

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
SIXTH DAY
APRIL 5, 2005**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE
BUILDING IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK**

MINUTES TAKEN BY
LUCIA BRAATEN AND DONNA CATALANO, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:37 A.M.]

P.O. CARACAPPA:

Mr. Clerk, good morning. Roll call please.

MR. BARTON:

Good morning, Mr. Chairman.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

(Not Present)

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Yep.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

17 present, Mr. Chairman. (Not Present at Roll Call: Leg. Lindsay)

P.O. CARACAPPA:

Would everyone please rise for a salute to the flag, led by Legislator Montano.

(*Salutaton*)

Please, remain standing. Before we go to our clergy, we have a very special guest this morning. Joe Murena, those of you who watch American Idol on Fox, was one of the, I believe, the ten finalists that made it to the •• Hollywood, so to speak. He's here to sing for us this morning the Star Spangled Banner. Joe, why don't you come on forward.

(*Applause*)

Joe also will be receiving a proclamation in a little while from his Legislator, Legislator Lynne Nowick, and he's a product of Smithtown. And I'd ask everyone to give him your full attention.

(*Joe Murena Performed the Star Spangled Banner*)

P.O. CARACAPPA:

That's a wonderful job. Thanks, Joe, for coming down. And, again, congratulations on all your success.

At this point, I'd like to introduce Legislator David Bishop for the purpose of introducing today's clergy. Legislator Bishop.

LEG. BISHOP:

Thank you, Presiding Officer Caracappa. Good morning to everybody.

P.O. CARACAPPA:

Good morning.

LEG. BISHOP:

With the passing of Pope John Paul II this week, a lot of the world's attention is now focussed on the matters of faith. And one of his enduring legacies is his teaching that the world will be a better place if there's greater communication, understanding and dialogue among the major religions of the world. And in that spirit, today's invocation will be from the Hindu tradition. Hinduism is a religion that is one of the world's oldest, dates back to 2000 B.C., has more than one billion followers worldwide. As many of you know, some of the Hindu traditions are well known, that faith, love and persistence will lead to •• lead one to become their ultimate self, that religion that encourages intellectual curiosity, because there are many paths to the truth, and perhaps most relevant to this body's work, that everything in the world is from a common spirit, and, therefore, it needs to be preserved and protected.

And with that, I would like to introduce Dr. Anjlee Pandya.

Dr. Pandya is a retired internal medicine specialist, but she may be known to our colleagues as the mother of Alpa Pandya from the Nature Conservancy, and she will present this morning's invocation.

Dr. Pandia.

DR. PANDIA:

Thank you. I will start with the Hindu Vedic Scripture. It is written originally in Sanskrit, first I will say it in Sanskrit, and later on it will be translated in English. (Scripture Recited in Sanskrit). May all be happy, may all be healthy, may all see good in everybody, may no one

suffer. Om, Sante, Sante, Sante. Thank you.

P.O. CARACAPPA:

Thank you. Please remain standing. I'd ask everyone to bow their heads in a moment of silence for, of course, as Legislator Bishop mentioned, Pope John Paul II, Elisabeth Taibbi, who was a former Clerk and member of this Legislature, as well as Antoinette Morgo, the mother of Jim Morgo.

(*Moment of Silence*)

Thank you. Please be seated. I recognize Legislator Nowick for the purposes of a proclamation.

LEG. NOWICK:

Good morning, everybody. I guess there's not much I have to say except this young man has some incredible talent. Joseph, would you please come up? And if you want to take a picture of him, you can come around this side, if you'd like. We're going •• I'm going to be giving Joseph a proclamation. Is this on? Hello.

Just so you know, Joe was chosen as a finalist from well over 100,000 people who auditioned, 100,000 people. Out of the 100,000, he was chosen to be in the top 40, and then made it to the finals, where he was one of the top 24. Incredible.

(*Applause*)

And as an aside, on the American Idol website, a poll asked which finalist that was voted off would you want to see come back. Joe was winning with 71% of the vote for Joe to come back, so I think that's great.

(*Applause*)

And I think if we took a poll in here, we'd want you to come back as well, that's for sure.

MR. MURENA:

Thanks. We would love to have you. Your family must be very, very proud of you, as we are in Smithtown and we are in Suffolk County. It's so nice see one of ours going on to such wonderful accomplishments. And I don't know if you know a little known fact. I have always loved to sing.

MR. MURENA:

Yeah?

LEG. NOWICK:

But my biggest fear is that somebody would hear me, you know? So, I am going to give you a proclamation from the Legislature. And congratulations.

MR. MURENA:

Thank you very much.

LEG. NOWICK:

Wonderful. Please come back.

MR. MURENA:

Absolutely, thanks.

(*Applause*)

LEG. NOWICK:

We'll go out there and we'll take some pictures?

MR. MURENA:

Sure.

LEG. NOWICK:

Okay, very good.

P.O. CARACAPPA:

Thank you, Legislator Nowick. And again, Joe, congratulations.

MR. MURENA:

Thanks.

P.O. CARACAPPA:

I recognize Legislator Carpenter for the purposes of a proclamation.

D.P.O. CARPENTER:

Good morning. This morning is kind of a culmination of a couple of recognitions that we've done over the past couple of months, February being American Heart Month, and we talked about the Go Red for Women campaign, March being Women's History Month, and April being Volunteer Recognition Month. And I know that all of the Legislators are going to be honoring their honoree in their districts for the Volunteer of the Year.

This morning I asked Diane Trubia, and, Diane, if you would come forward, Diane Trubia is the consummate volunteer. She's been working with the American Heart Association in the Go Red for Women campaign. She has been helping to spread the message of the fact that heart disease and stroke are the number one and three killer of women in this country. And Diane has a story to tell of how heart disease affected her family, namely herself. So, Diane, if you could just briefly, because we're kind of pressed for time, but I think it's important for everyone to hear, and, hopefully, they'll take that message to their •• to their homes and to their loved ones. Diane.

MS. TRUBIA:

Thank you so much. This is an honor to be here and to be presented like this. This has been quite a journey since I became a heart patient.

I am 44 years old, and two years ago, I had triple bypass surgery. And six months after my surgery, I became connected with the American Heart Association, because I wanted to be in touch with other women that had this disease. I felt I was too young, and, you know, this is something I have to live with the rest of my life. Through that connection, I have met wonderful people, I have spoken in many places. At this time next week, I will be returning to Capitol Hill for my second visit there with our districts and our Congressmen to discuss the fact that women are basically, or were, 25% of the research done in this area of medicine and procedures. It was just not thought of that women had heart disease. And I'm happy to say, in

my sense, that they are recognizing this, advancements are being made. And this has actually been a gift to me to have this disease, because I am young, I have been monitored, and will be monitored and treated for the rest of my life. And there are many advancements, like I said, as well as the fact that in my support group that I started, I have women from the age of 36 to 61, and mostly they are under 60, who have this, heart attacks, bypass.

About 20 women just in my area, which is Centereach, Farmingville, Holbrook, Selden, and each month at our meeting, we are getting at least three other women to join, so this is very important to recognize now. This is the number one killer of women, and there is a lot of work to do, and I am challenged and honored to do it. And like I said, this has been a gift because of the people I've met and opportunities like this, so I thank you very much.

I have handouts for all of you with my story, and a very important story in my newsletter is that I had given a speech spring last year at a forum that Congressman Bishop had put together on heart disease and breast cancer. He stayed for the beginning, because he had to throw out a pitch for the first baseball game of his son, and I was the first person to speak. And because of that connection and things that I said, such as listen to your body, recognize the signs and pay attention, as some of you may know, later in August he did have an incident with his heart and he wound up having a stent put in and had 90% blockage. So, he has contributed to my newsletter, so you may want to read that, talking of the seriousness of this disease, and knowing your body and knowing all the signs. So thank you again, and I'm very proud to be here.

(*Applause*)

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

Thank you very much.

D.P.O. CARPENTER:

Thank you for sharing.

P.O. CARACAPPA:

I recognize Legislator Cooper for the purposes of a proclamation.

LEG. COOPER:

Good morning. The annual Woman of Distinction Award is presented by the Suffolk County Women's Advisory Commission, and I'm very pleased and proud that this year's recipient is a resident in my district.

I'd like to invite up several people. First, I'd like to invite up Chris Reimann, who many of you know.

(*Applause*)

Rachel Davis. Rachel is Chair of the Commission. And, Rachel, I believe that you said that some other people wanted to come up.

MS. DAVIS:

Yes, yes. Will Joan Davis, Joan Johnson, Deana Grant Marshall, our Director.

(*Applause*)

Good morning, Presiding Officer Caracappa, Deputy Presiding Officer, members of the Suffolk County Legislature, good morning. Thank you for inviting us here. I know we have a short time. We could talk all day. We wanted to just say thank you for being a part and for your appointment to the Suffolk County Legislature, which was •• which came out of a resolution that was passed. And we have today 18 Commissioners that work very faithful in their districts, and you should be proud of them. And each district is represented here today, so from the First District representation, will you stand? And as I call your district, just stand where you are, members of the Women's Commission. District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, District 9, District 10, District 11, District 12, District 13, District 14, District 15, District 16, and District 17, District 18, District 19, the •• 19. You have other representatives from the Human Rights Commission. You have Human Rights Commission and you have the County Executive appointment, and you have the Chair of the Women's Advisory Commission. Will you stand? Thank you so much for being here. And I •• keep standing.

(*Applause*)

And I want the Suffolk County Legislature to know that you have appointed some very fine women to work with me and it is an honor. This group of women took time out to go over the list of names that you submitted for a Woman of Distinction. They were exceptional, they were extraordinary, and we finally came up with a winner. She has exceptional qualifications and is a credit to the women of Suffolk County. At this time, I'll come back and present this at a later date. Would you like to make your presentation first?

LEG. COOPER:

Sure, please. I'll go first and then I'll ••

MS. DAVIS:

Yes.

LEG. COOPER:

•• segue back.

MS. DAVIS:

Okay.

LEG. COOPER:

First of all, three guesses who the 2005 recipient is. Any guesses? Okay. Chris Reimann.

(*Applause*)

I know that almost everyone here knows and loves Chris. As you know, Chris has dedicated her life to issues bigger than herself and involve those who are less fortunate and in need of assistance. She spent 12 years at Catholic Charities, and she's had many successes under her belt there. She's probably most proud of her success in creating New York State's first commodity supplemental food program, which is known in New York as the Food and Nutrition Program. And under Chris's direction, more than 12,000 women, infants and children receive food on a monthly basis.

Chris also worked tirelessly for then Presiding Officer Paul Tonna as Director of his Mobilization Against Poverty initiative, which created a number of County programs to address issues affecting the poor and other vulnerable people throughout Suffolk County.

And among her many, many other honors and citations, Chris received the National Quality of Service Award and the U.S. Department of Agriculture's Family Fair Award, both for the FAN Program, she was also the 2002 recipient of the David Kadane Award for Advocacy, which was presented by the Health and Welfare Council of Long Island.

So, it's my great personal pleasure to present this proclamation to Chris in honor of her latest recognition as the 2005 Woman of Distinction.

(*Applause*)

MS. REIMANN:

Thank you.

LEG. COOPER:

Now, back to Rachel.

MS. DAVIS:

Our next presenter will be the Director of the Women's Services for Suffolk County, Ms. Deana Marshall.

MS. MARSHALL:

I know that you're short on time, so I'm going to make this kind of quick. Christine, hi. You might as well stay here, because it's just going to keep happening.

On behalf of the County Executive Steve Levy and the Office of Women's Services, I'd like to present you with the certificate. And congratulations on your award for 2005 Woman of Distinction.

MS. REIMANN:

Thank you so much. Thank you. Thank you so much.

(*Applause*)

MS. DAVIS:

Our next presenter is the Honorable Joan Johnson.

(*Applause*)

MS. JOHNSON:

Thank you. In the last few days we have all become aware that God sends people here to earth to do special, special things. Chris Reimann is one of the those angels. She has spent more than 40 years of her life doing what I consider to be God's work. She's used her hands, she's used her mind, she's used most especially her heart to reach out to the most vulnerable people in our society. And the joy that she has received from doing the kind of work that she has done in the last 40 years, we voted her the Woman of Distinction.

Chris, you're an unusual person, but you're using the spirit and the skills that God sent you here to do and continue doing that.

(*Applause*)

MS. DAVIS:

And the last award, Chris, is from the Suffolk County Women's Advisory Commission. Will you stand? And on behalf of the Commission, to much •• to whom much is given much is expected. You have proven that. You're a super extraordinary woman. We are very proud of you, and hope you much success in the future. This is given to you on our behalf.

MS. REIMANN:

Thank you so much.

MS. DAVIS:

Congratulations.

MS. REIMANN:

Thank you so much. Thank you very much.

LEG. COOPER:

Chris, would you like to say a few words? But be brief.

MS. REIMANN:

Thank you is about as brief as I can be. But also want to say thank you so much to everyone, to the staff in your office, Jon, to Rich, Laura and Barbara. And just simply to say I'm humbled by this. And I also know there are so few of these resumes and other documents that get to these kinds of committees, that basically there are many more women of distinction, whether they're more professionally advanced than I, or certainly in working with Legislator Tonna, we met many women of distinction who were homeless and were just getting up every day and getting their kids to school. So I honor •• I accept this humbly, but I realize that there are other women who would be more deserving. Thank you.

*(*Applause*)*

LEG. COOPER:

Beautiful. Thank you. Thank you very much.

D.P.O. CARPENTER:

Okay. Next we have Legislator Binder, who has proclamations for the Young Professionals Chamber of Commerce second annual Business Leadership competition. And I have the names here. I'll read them off. Is that the plan?

LEG. BINDER:

Actually, I have their names. What I'm thinking •• I think I'll do here is ask Legislator Tonna and Legislator Cooper to come up. I'll explain what this is, and then I have the •• I'll read the names from my district ••

D.P.O. CARPENTER:

Okay.

LEG. BINDER:

•• just ask them to stand up, as I read your names, and then Legislator Tonna and Legislator

Cooper will just read their names, they'll stand up, and we'll give everyone a proclamation outside.

D.P.O. CARPENTER:

Out in the lobby.

LEG. BINDER:

Right.

D.P.O. CARPENTER:

Great.

LEG. BINDER:

So we don't have to go really long here. And I'm just going to ask one person to get up, Linda Mitchell, if she can come up here, because I have •• here she is. I have a proclamation from the Legislature.

The Young Professionals Chamber of Commerce is a program of the Chamber of Commerce Regional Business Partnership, and they just recently had their second annual Business Leadership competition. More than 108 school district students from Commack, Deer Park, Elwood, Half Hollow Hills, Harborfields, Hempstead, Huntington, Northport and South Huntington High Schools and Western Suffolk BOCES were invited to participate.

The importance of the program, basically, is we understand that the future of Long Island rests in our young people, in our high schools, in our elementary schools, and coming after them. We have a thriving business community. We have maybe one of the most thriving suburban areas in the country. But to keep that going, we need young people with the drive, the will, the leadership skills, the understanding, and really the abilities to keep this going into the future, and we want to keep them here and doing business on Long Island, and that's why this program was put together.

As it says, the competition provided students with the opportunity to demonstrate their knowledge through presentations in the categories of Fashion Marketing, Hospitality Service, Advertising and Graphics, E•Commerce, Sports Management, Sports Marketing, Real Estate,

Entrepreneurship, and Interview Skills. All these things are absolutely crucial to our future, so as the adult community, we should be really cheering these young people on, because they are our future.

First, we have a proclamation for Linda Mitchell, the Executive Director. I wanted to give that to her first.

MS. MITCHELL:

Thank you very much.

(*Applause*)

LEG. BINDER:

Thank you very much.

MS. MITCHELL:

Thank you. Thank you very much.

LEG. BINDER:

Congratulations. What I'm going to do is I'm going to call out the students in my district first, I'm going to ask them to stand up, and then we'll go, as I said, Legislator Tonna, Legislator Cooper.

In Second Place, Advertising and Graphics, Alex DelPriore.

(*Applause*)

And I'll apologize in advance if I butcher your names a little bit. I figured I did. Hasani Gray, Second Place. E•Commerce.

(*Applause*)

Emily Segal, First Place, Sports Marketing.

(*Applause*)

Taylor Keeperman, First Place, Sports Marketing.

(*Applause*)

Mark Fazio, Second Place, Sports Marketing.

(*Applause*)

Jennifer Broderick, First Place, Real Estate.

(*Applause*)

Joey Philogene, Second Place, Real Estate.

(*Applause*)

Jean•Phillip Philogene, Second Place, Real Estate. Keeping it in the family. Okay?

(*Applause*)

Gabriella Baiter, First Place, Entrepreneurship.

(*Applause*)

Christina Aegeter, Aegeter. Close, maybe. Okay. First Place, Entrepreneurship.

(*Applause*)

And Deniz Ozen, Second Place, Entrepreneurship.

LEG. TONNA:

Just to continue, in the Seventeenth District, Jacqueline and Katelyn Simone, Second Place in Fashion Marketing.

(*Applause*)

Daniel Gerber, First Place in Hospitality Services.

(*Applause*)

Gregg Boccio, Second Place in Advertising and Graphics.

(*Applause*)

Tanya Placide. Hi, Tanya.

(*Applause*)

First Place in Advertising and Graphics. Kristin Collins, First Place in Sports Management.

(*Applause*)

Amy and Jenna Goldblatt, Second Place in Entrepreneurship.

(*Applause*)

Leon Bennett, Second Place in Job Interview and Special Needs.

(*Applause*)

And Danny Hakim, Second Place in E•Commerce.

(*Applause*)

LEG. COOPER:

Now, rounding out the award winners, we have Morgan Bertash, First Place in Fashion Marketing.

(*Applause*)

Casey Cuneo, Second Place, Hospitality Services.

(*Applause*)

Monica Jarrett, Second Place, Hospitality Services.

(*Applause*)

Melissa Woodhull, First Place, Advertising and Graphics.

(*Applause*)

Dane Kouttron, First Place, E•Commerce.

(*Applause*)

Dillon Kois, First Place, E•Commerce.

(*Applause*)

Matt Windt, First Place, Job Interview.

(*Applause*)

Angad Lamba, Second Place, Job Interview.

(*Applause*)

Di Shauna Nichols, First Place, Job Interview•Special Needs.

(*Applause*)

John Lentinello, Second Place, Sports Management.

(*Applause*)

And finally, Jessica Nelson, First Place, Real Estate. Congratulations to you all.

(*Applause*)

LEG. BINDER:

Thank you. If you would join the Legislators outside, we have proclamations for all of you and some pictures. Thanks.

D.P.O. CARPENTER:

We'll just wait for the auditorium to clear and then we'll begin the public portion. Okay. We will begin the public portion. Just to remind everyone that you have three minutes to speak. The first card is Al Chisare. Al Chisare? Chisare. Okay. Next, Anglia Parisi. David Thompson

MR. THOMPSON:

There's actually several of us that want to speak on the same topic.

D.P.O. CARPENTER:

Well, you know, you can come up individually as I call your names, or if you want to come up collectively and just have the one three minutes, that would be wonderful.

MR. THOMPSON:

Good morning. My name is David Thompson. I'm the Regional Vice President for the State Council of Trout Unlimited. Trout Unlimited is a volunteer organization made up of environmentalists who are fishermen, as well as fishermen who are environmentalists. We're a nationwide organization with 450 chapters, more than 150,000 members. Our mission is to preserve and protect cold water fisheries, North America's cold water fisheries and their water sheds.

Our interest in Swan River, for many people who might not know, is the Brook Trout. The Brook Trout is the only trout native to the northeast, and the Swan River has a very healthy population of wild self-sustaining Brook Trout.

The Brook Trout has a very colorful history on Long Island as a game fish. You might recall from the mythologies, if you read anything about the Carmans River, nearby Carmans River, Daniel Webster in 1827 caught a fourteen•and•a•half pound brook trout.

Aside from being a very beautiful fish, the Brook Trout's presence in our streams is an indicator of very high water quality. The Brook Trout has become a biological indicator species. The Swan River is important in that its population depends on the water quality in the Swan River. The surest way we have found to protect water quality is to preserve properties in the watershed, properties that are adjacent to the river. They serve to buffer the river from pollutants and protect the river that way.

So, I urge the County to purchase the property at the water side, and in this way protect the Brook Trout, protect the river, and in that the river's ultimately connected to the Great South Bay, also protect the Great South Bay. Thank you.

D.P.O. CARPENTER:

Thank you very much, Mr. Thompson. Now, this woman indicated now. If you want to speak, you'll have to wait until your card comes up. But if you just want to mention your name and that you're supportive of this initiative, too, you're welcome to do that and then you don't have to wait. It's up to you.

MS. GODFREY•SCHINDLER:

I'd like to go now, if that's all right.

D.P.O. CARPENTER:

You can't speak now. You can say your name and you support the initiative, but if you want to ..

MS. GODFREY•SCHINDLER:

Sarah Godfrey•Schindler. I support the initiative.

D.P.O. CARPENTER:

Okay. Thank you. And you, ma'am?

MS. WHITBECK:

Judith Whitbeck, Professor Whitbeck. I support the initiative for the funding to purchase this property ••

D.P.O. CARPENTER:

Okay.

MS. WHITBECK:

•• and return it to its pristine state.

D.P.O. CARPENTER:

Thank you. Okay. The next speaker, then, would be Colonel Michael Canders.

LEG. ALDEN:

Madam Chair and Mr. Presiding Officer.

P.O. CARACAPPA:

Yes.

LEG. ALDEN:

We're a little bit short of a quorum.

P.O. CARACAPPA:

The rules of the Legislature say that I may suspend the meeting if there lacks a quorum. I won't suspend the Legislature at this point in time, but I will ask Legislators to report to the horseshoe, please. Why don't you proceed, Colonel.

COLONEL CANDERS:

Okay. Good morning. I'm Colonel Michael Canders. I'm the Commander of the 106th Rescue Wing, and I'm honored to be here representing nearly 1,000 men and women and their families who proudly work here in Suffolk County at the Gabreski Air National Guard Base in Westhampton, New York. I'm here today to encourage you to approve Resolution 1333, signing of the airport joint use agreement between the County of Suffolk and the Air National Guard of the United States.

On September 11th, 2001, only about 60 miles from where we gather this morning, America was brutally attacked by an enemy which was largely unknown and misunderstood at that time. We watched in horror as thousands of innocent Americans were murdered in their work places, and hundreds of New York City's finest and bravest gave their lives so that others may live. Correspondent brutality occurred in Washington D.C. and in Pennsylvania, but as New Yorkers, the destruction of the World Trade Center and the murder of our friends and colleagues struck right in our home.

Minutes after the attack, the men and women of the 106th Rescue Wing gathered at Gabreski Air National Guard Base in Eastern Suffolk County to prepare for whatever eventuality might occur. Our rescue helicopters and C-130's were prepared for flight, and our Joint Task Force, Power Rescue Teams, Medical Element, Security Forces and Civil Engineers deployed to Manhattan to do whatever we could, so well prepared that others may live, but it was not to be that day. We took some solace in assisting in the recovery of the last survivors from the rubble, but our hopes of recovering more of the thousands who were lost were dashed in the egregious acts of our enemies.

One short month later, our Combat Search and Rescue Forces deployed to Operation Southern Watch in Kuwait to conduct operations as a preliminary to the build-up against Iraq, and thus began our full engagement in the global war on terrorism.

During this time, we provided combat search and rescue coverage throughout the region, assuring the safety of soldiers, sailors, airmen and marines. We recorded our first two combat saves in Iraq near Felugia, recovering two Army soldiers trapped in the wreckage of an Army Chinook Helicopter, which had been shot down by insurgents. And we continue to stand guard here at home, ready to respond to protect and defend America, New York City, and the people of Suffolk County.

Our proximity to New York City and our central off-shore training area south of Westhampton Beach make Gabreski Airport the perfect location for a rescue wing such as ours. We are closely integrated with the U.S. Coast Guard in Suffolk and Nassau Counties, and our presence on Eastern Long Island is punctuated by over 300 civilian lives saved to date. Six of these lives were saved as recently as this past Sunday as we battled challenging weather and flooding

conditions to lift six people to safety by rescue helicopter who were endangered by the rising flood waters of the Delaware River near Port Jervis, New York.

We can save lives and we can bring all of our homeland security skills to protect America because we train and prepare to do so each day in Westhampton Beach. We have served there as a rescue wing for 30 years and look forward to serving there for many years to come.

In addition to our life•saving services, we bring air traffic control, precision navigation and landing aides and maintenance of those, fire protection, snow removal, and security to Gabreski Airport. These services are valued at over 2 million dollars and are offered to the County as part of the Airport Joint Use Agreement.

We are proud to call Suffolk County our home. We are grateful for the wonderful support we have received over the past two years from County Executive Steve Levy, Commissioner Jim Morgo, and Carolyn Fahey from Economic Development and Workforce Housing, and Legislator Jay Schneiderman.

We stand ready to deploy again overseas or to respond here at home to defend the homeland. Our proximity to New York City, forever to be priority target one for our enemies, means we will probably be called first, called first to bring rescue, recovery and a full portfolio of special skills that reside in America's war fighters. We are always ready to respond and to fully accept our sacred trust to defend America.

We ask for your continued support and help by passing Resolution 1333, the Airport Joint Use Agreement between Suffolk County and the Air National Guard of the United States. Thank you.

P.O. CARACAPPA:

Thank you, Colonel.

LEG. SCHNEIDERMAN:

Presiding Officer, can I have a point of personal privilege?

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Mr. Canders, I want to thank you for coming out, Colonel, this morning. I want to thank you for all the heroics •• the heroic missions of the 106th, including the most recent Delaware Water Gap rescue, the Iraq War in the aftermath of September 11th, the Perfect Storm, the Flight 800, the Pine Barrens fires, all the ways that you have assisted, come to the aid of the citizens of Suffolk County and other citizens of the United States. We're very, very fortunate to have the 106th here in Suffolk County at Gabreski Airport. And this joint use agreement is I believe our way of saying that we appreciate having you here, and Suffolk County's going to do everything it can to keep you here. Thank you.

P.O. CARACAPPA:

Thank you.

COLONEL CANDERS:

Thank you very much.

P.O. CARACAPPA:

Thank you, Colonel. Dara Ericksen.

MS. ERICKSEN:

Good morning. I'm going to try to say this all very fast. An update from the people of the horse community.

I have a dream and the dream is that Southaven Stables stays open, and that it is up and running. And it could be a benefit to the public and the economy and our County and our Town.

Two weeks ago tomorrow, we spoke here in reference to the closing of Southaven Stables. After the meeting, Commissioner •• Legislator Lindsay asked Commissioner Foley to do whatever he could to keep the doors open at Southaven Stables, because once a facility closes, it is impossible to reopen it. We met out in the lobby after the meeting at which time Commissioner Foley and Ben Zwirn that •• said that they would have a meeting, and they would let us know when the time and the date, so that we could all get together. The meeting

was set for Thursday, 3/31, at 2 p.m., the day before the doors were scheduled to close. On my way up to the meeting in the elevator, my daughters and I ran into Tracy, the Commissioner Deputy Chief. I said to her, "Give me the bottom line. Are the doors closing at Southaven tomorrow?" She said, "Yes." For two•and•a•half hours Mr. Sabatino stone•walled us, never gave us a straight answer about anything. It was suggested, however, a horse appointed committee. Okay, when? And who's going to appoint the committee when the Commissioner and the politicians have no idea what would qualify a horse committee and a horse person to be on a horse committee?

I watched as the horse people left one by one in disgust, saying this was going in circles. We were just worn down with no resolution to the problem and the doors shut. Southaven Stables and/or horses bring big to the •• bring big dollars to the Town, County, and our economy. Horses are being pushed off the Island.

I ask that the Legislators look into this matter immediately. At least we did agree on one thing, that the fact that the politicians don't understand the horse people and the horse people don't understand the politicians. I thank you for your time.

P.O. CARACAPPA:

Thank you. Kevin Rooney.

P.O. CARACAPPA:

Good morning, Kevin.

MR. ROONEY:

Good morning, Presiding Officer Caracappa and members of the Legislature. My name is Kevin Rooney and I am the Chief Executive Officer of the Oil Heat Institute of Long Island. The Institute is a nonprofit trade association representing both the home heating oil industry and the more than 300,000 customers whom we serve in Suffolk County.

At the last regular meeting of this Legislature held on Tuesday, March 15th, the President of the Suffolk County Association of Municipal Employees came before this body and stated her union's opposition to Introductory Resolution 1140, a proposal to reduce the Suffolk County energy sales tax. From my reading of the transcript of that evening, her contention is as follows:

There are currently 175 vacant positions throughout the Suffolk County government which she feels should be filled by newly hired employees. But failing that, and in order to retain these current positions as vacant rather than eliminated, this Legislature should not consider a reduction or appeal of the County energy tax.

With all due respect to the union leadership and its efforts to secure a new collective bargaining agreement for their membership, the somewhat convoluted logic of this position continues to evade me. Let me see if I have this straight. Would significantly higher oil, natural gas, and, thus, electricity prices, and with increased levels of energy consumption due to colder than normal weather conditions this winter, the average homeowner in Suffolk County is now paying upwards of \$75 in total energy taxes. This is not an insignificant amount, as some have suggested.

I also know from their various public statements that both the County Executive and some members of this Legislature are generally in agreement on the need to reduce or appeal the County energy tax, differing only on the mechanism to offset the revenue loss. I am further informed that neither the County Executive nor the Legislature has any intention of filling the currently vacant positions. While technically not eliminated, they will nonetheless not be filled.

So, if I understand the AME's position, hundreds of thousands of financially hard•pressed homeowners and energy consumers should continue paying ever higher sales taxes on ever higher energy costs, on ever higher energy consumption simply to maintain 175 vacant positions for some possible future hiring needs. Conversely, I would contend that such a position is philosophically inconsistent and economically illogical.

I dare say that most of your constituents would gladly leave the 175 positions vacant or eliminate them entirely and see their energy taxes reduced, rather than the other way around. For most consumers the question of empty job positions versus energy tax relief is simply a no •brainer. Try, if you will, floating the union's idea past the single working mom with a couple of kids at home who are struggling to make ends meet, or a senior citizen whose meager savings and investments have been battered by a sluggish economy, or lost to the well documented greed of some financial Wall Street financier, or a young married couple who finally own a home and want to raise a family, but can't afford to, because they're not only mortgaged, but also taxed up to their eyeballs. Try telling them that they should pay more money in taxes in order

to maintain vacant positions in our County government, and I suggest to you that idea will fly about as well as the Hindenberg.

P.O. CARACAPPA:

Kevin, if I could just ask you to sum up, you're well over your time.

MR. ROONEY:

Yes, sir.

P.O. CARACAPPA:

Thank you.

MR. ROONEY:

I have come before this Legislature and various committees on a number of occasions to urge the repeal of the County energy sales tax.

As you deliberate on this issue, hopefully in the near future, I strongly urge you not to be swayed by the position of a labor union who's arguments on their face are absurd and illogical. Rather, let your vote be swayed by the desire and the need to provide real financial relief to hard•pressed Suffolk County homeowners and energy consumers. Thank you for your time and attention.

P.O. CARACAPPA:

Thank you very much. Gene Wishod.

MR. WISHOD:

Thank you, Mr. Chairman. My name is Eugene L. Wishod. I'm co•counsel of Talmadge Woods STP Associates, and I appear in favor of Resolution Number 1264, which is to establish Suffolk County Sewer District Number 2, Talmadge Woods.

I appeared before the Legislature on this very matter June 28th of last year, at which time the Legislature approved the establishment of the district. I recognize that what's before the Legislature this morning is simply a technical amending resolution adding to that prior 2004 resolution certain statutory findings, but I've also learned not to take anything for granted, so I thought I would come today in the event there are any lingering questions that any Legislator

may have.

I simply want to remind the Legislature that the sewer plant we're turning over to the County has been awarded a prestigious engineering excellence award by the American Council of Engineering Companies of New York. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Thank you, Gene. Pete Quinn.

MR. QUINN:

Good morning, members of the •• excuse me. Good morning, members of the Legislature. My name is Pete Quinn.

Long Island is in an energy crisis. Crunch the numbers with me. Broadwater Energy for natural gas in the Long Island Sound, 700 million dollars, 40 million dollars for permitting, when bonded with interest and amortized, we're talking close to 2 billion dollars over a long•range period of time. Then there's a negotiated contract between Broadwater and KeySpan for natural gas, and that will be proprietary and confidential. We'll never know the precise amount, but we can project over a period of 25 years that that will be multi•billions of dollars, and it will lock out renewables.

Then there's KeySpan's attempt to sell the generating plants to LIPA, us. Seven years ago they bought them for 300 million dollars book value, then they tried three years ago to get market value for 600 million. Now, Bob Catell wants 2 billion dollars for those generating plants, and they're seven years older than he bought them.

Then there's LIPA's attempt to go private after seven years to a private entrepreneur. That will cost us billions. We're currently paying 25% of our bill, 525 million a year, for debt service and amortization. Over 45% of our bill is in fossil fuels, and yet, what this •• and then we've got the Saudi oil ministers saying we've got \$80 per barrel next year for oil, considering the \$57 now. Goldman Sachs says 105 million within three years, and yet, what has this Legislature proposed? Two bills, one for \$100,000 each year for five years for renewable energy and energy efficiency, another for \$500,000 each year for five years. May I submit that the alternative is to take the 31 million dollars raised by the 1% cut in energy taxes, and instead of

giving them back to taxpayers, create a 31 million dollar a year each year for five year renewable energy proposal, split it three ways among government, business, and homeowners, and do the kind of dynamic crash program that is needed for renewable energy, and if you don't like, after you have promised to give a tax rebate to taxpayers on that energy tax, create a revolving line of credit bond, similar to what they do, and provide incentives, similar to what they do with car dealers, where they provide loans for people who can't afford to pay in full for a car.

P.O. CARACAPPA:

Peter, sum up, please.

MR. QUINN:

Yes. And then create a •• do an RFP for a solar company and use an IDA to provide them incentives to come to Suffolk County. And, finally, revive the solar port, electric car legislation that was passed five years ago and has never been enacted, and that will reduce our reliance on gas•driven vehicles among the Suffolk County fleet. Thank you very much.

P.O. CARACAPPA:

Thank you. Judith Whitbeck.

MS. WHITBECK:

My name is Judith Whitbeck. I'm a Professor of Chinese History in our History, and also a garden curator. Recently I've been the curator of the New York Chinese Scholars Garden at the Staten Island Botanic Garden.

I am here to speak for •• as a concerned resident of East Patchogue whose family has been in that area for over 100 years, and whose father was dedicated as a landscape designer and nursery contractor to beautification of all of Suffolk County, really. I am very concerned about supporting, and I do support strongly, Resolution 1299, so that we return Swan Lake to its pristine condition, and we continue the momentum of the East Patchogue community now to increase the beautification of that part of Long Island for the future. Thank you.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Thank you. Sarah Godfrey•Schindler.

MS. GODFREY•SCHINDLER:

Good morning. I am Sarah Godfrey•Schindler of South Country Road, East Patchogue. I am here this morning again to support Bill 1299, which is being proposed by our Legislator, Brian Foley. It's to urge you to acquire land opposite the Swan Cleaners on the corner of South Country Road and Montauk Highway in East Patchogue, which up until recently was earmarked to be developed into a Walgreens, which now the Town Board of Brookhaven has agreed not to proceed with.

I am representing Friends of the Swan Lake and Tributary, and today I'm bringing another 315 signatures from local residents, which puts us up to a total of 817. With me today are eight other people who have chosen not to speak and I would just ask them to stand. Jan Goltz. Thank you, Jan. Ivan and Dolores Franks, who are also part of the Trout Unlimited group. Thank you. Barbara Wright, who is also a member of Friends of the Swan Lake Tributary, and also the South Country Shores Civic Association. And you already heard from Dave Thompson of Trout Unlimited. Terry Pearsall, who I'm sure you all know, who's behind you there, also supports this motion.

This area is very historic, it is residential, and many of the residents are now gathering together to work together to improve this area, so we would urge you to please continue with the process of funding on our behalf. Thank you.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Thank you very much. Maureen Dolan.

MS. GODFREY•SCHINDLER:

Who do I give these •• who do I give these signatures to? Thank you.

P.O. CARACAPPA:

Thank you very much.

MS. DOLAN:

Maureen Dolan, Citizens Campaign for the Environment. Thank you for this opportunity to comment. Suffolk County is a leader in so many areas. The County sets high standards and passes legislation that acts as a model for other municipalities throughout the state. That is why C.C.E. is asking the Legislature to table Resolution 1118, sponsored by Legislator Schneiderman, which requires the County to purchase 5% wind energy.

If passed, this renewable energy purchase would be the lowest commitment by any municipality throughout New York State. We know that Suffolk County can and should do better. Nassau and Westchester County have both passed resolutions calling for no less than 25% renewable energy by the Year 2010. The Town of Riverhead has committed to 50%. The Village of East Hampton, Town of the Southampton, Town of Southold, Town of Shelter Island have all committed to 100% wind energy. The State of New York has committed to use 20% renewable energy. These resolutions allow for a thoughtful substantial plan to be developed to promote clean, safe renewable technologies.

County Legislators need to table Resolution 1118 and pass a resolution that will achieve a more productive and comprehensive renewable energy goal, one that can contain both long-term and short-term goals. C.C.E. encourages Suffolk County to be at the forefront of renewable energy issues, joining their County partners of Westchester and Nassau County in a long-term renewable energy plan. This resolution does not meet Suffolk's standards and does not adequately reflect the public's support for the urgent need to promote renewable energy. Thank you.

P.O. CARACAPPA:

Thank you. George Gatta.

MR. GATTA:

Good morning. I'm here today to speak to I.R. 1420, which is laid on the table today. It's my understanding that it may be presented with a CN later today. 1420 would allow the College, Suffolk County Community College, to enter into a lease with the Sayville School District to lease approximately 13,900 square feet of space at a former junior high school at 30 Greene Avenue in Sayville. This is a project that we've been working on for awhile.

The purpose for requesting the CN is that our plan is to have classes in the building this Fall, and with the amount of work that needs to go into the building, with installing Anatomy and Physiology lab, a nursing simulation lab, and other equipment, the lead time is such that time is really of the essence. Normally, we would go through the committee process. This is a •• this is in partnership with Good Samaritan Hospital, who would allow us to expand our nursing program to address the critical need for nurses here on the Island. It's a six•year lease, and it would also be a six•year partnership initially with Good Sam, where over that six•year period, the hospital would be providing the College approximately 1.7 million dollars to help fund faculty staff salaries and benefits. There are two two•year extensions associated with the lease. The lease is extremely competitive, very favorable terms from the Sayville School District at \$15 a square foot in the first year, going up by CPI in the subsequent years.

We'll be here later today, should you have any questions about that and should, in fact, go forward with a CN. Thank you.

P.O. CARACAPPA:

Thank you, George. Michael LoGrande.

MR. LOGRANDE:

Thank you very much.

P.O. CARACAPPA:

Good morning.

MR. LOGRANDE:

I would like to address the resolution I guess that's before you for the possibility of my fourth and what will probably be my final term as Chairman of the Suffolk County Water Authority.

I want to thank the sponsors and the cosponsors, and certainly members of the Environment Committee, for their endorsement of this. And I would tell you very quickly that the Water Authority in the past 15 years has gone from one that was deeply troubled, it had serious financial problems, as well as operational problems, to one that is now considered a model for most of the authorities throughout New York State and the United States.

When I took office in 1990, the Water Authority had 292,000 customers, it had less than 90 million dollars in revenues, and it had 610 employees. Today it has 360,000 customers, 160 million dollars in revenues, and it has 575 employees. We've increased the efficiency, the technical handling of our water supply, and the people can be assured that we will continue that service in the future.

In my last and final term, what I would like to do with the Water Authority is the final phase of the technological improvements that have been made, such that it will be astounding when you hear that we will be creating a system whereby we can detect a leak from •• in Bay Shore of a house in Speonk. We will be doing this through the electronic improvements in the _Skater_ system that will be the most advanced in the United States.

So, with that, I thank you very much for considering my application, and I look forward to serving you in the future. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Chairman. And also, on behalf of everyone, we'd just like to thank you for your years of service at the Water Authority.

MR. LOGRANDE:

Thank you.

D.P.O. CARPENTER:

Mr. Chairman, can we make a motion to •• I'd like to make a motion to take this resolution out of order and ••

P.O. CARACAPPA:

Not everyone's in the room. We have just four cards left.

D.P.O. CARPENTER:

All right. So, maybe at the end of the public portion.

P.O. CARACAPPA:

Absolutely.

LEG. CARPENTER:

Thank you.

P.O. CARACAPPA:

First thing. Brendan Mahoney.

MR. MAHONEY:

Good morning, members of the Legislature. I represent Citizens Campaign for the Environment. Thank you for the opportunity to comment. It is my pleasure to testify in support of the Legislature adopting Resolution 1299. Resolution 1299 authorizes Suffolk County to purchase the vacant lot adjacent to the Swan River.

CCE strongly supports the County acquisition of the Swan River property for a variety of reasons. First, the Swan River property is located in the South Shore Estuary Reserve. As a member of the SSER Citizen Advisory Council, CCE understands that the SSER comprehensive management plan states that counties, towns and villages have a responsibility to preserve small parcels of open space. As stated on Page 85 of the plan, priority should be given to protect smaller parcels and stream corridors along baymen shoreline and at street ends.

Additionally, the plan specifically states within the Town of Brookhaven along the tributaries entering Patchogue Bay, including the Swan River, to help reduce nonpoint source pollution to the tributaries and the resultant shellfish closures in the bay.

Secondly CCE finds County acquisition of the Swan River property to be consistent with the ongoing efforts to protect and preserve the Swan River and our estuary.

One of Long Island's cleanest and healthiest rivers, the Swan River, is one of the last South Shore tributaries still able to support the Brook Trout, a species very sensitive to environmental stresses that has all but vanished from most of our South Shore streams. It is well understood that development and subsequent parking lot paving would significantly increase polluted stormwater runoff to flow directly into the Swan River. The resulting diminishing water quality coupled with the already significant loss of area wetlands that capture pollutants would quickly degrade the Swan River.

CCE applauds the County's leadership in transforming the old Park Dodge located across the street from this property into a small park for residents. By seizing the opportunity to correct past mistakes, taking action to protect the health of our waterways, and improving the quality of life for those who live in the community, local officials accomplish what residents requested. By preserving these green areas, the County preserves the Swan River and the South Shore Estuary Reserve, and improves the aesthetics and quality of life for those who live and work in the committee.

CCE strongly supports the adoption of Resolution of 129l. Thank you for the opportunity to comment.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Jennifer Setzer.

MS. SETZER:

Good morning. My name is Jennifer Setzer. I stood before you two weeks ago asking you to reconsider the closing of the Southaven Park Stables. I felt optimistic that even a temporary solution would be reached and that we could all work together for the long-term plans at the stable.

I was at the meeting with Steve Levy last Thursday where it was announced the stable was closed until further notice. That room was filled with over 50 horse experts who felt comfortable with the qualifications of all three bidders that were turned down. It seems to me the Suffolk County Department of Parks has done an enormous injustice to the horse community, further encouraging them to take their business to the surrounding states that understand along with horses come revenue for the entire community.

The summer months are going to come and go with no riding facility for the kids waiting to experience their first ride on a horse or pony. There will not be many people willing to rebid an RFP because of the way it's been handled these past two years. The County should seize the opportunity to get the best deal they can currently and work together on improving the facility.

The facility doesn't need to be closed in order to make plans for its future. I do have a •• about 845 signatures on a petition that was previously submitted to County Executive Levy. Thank you.

P.O. CARACAPPA:

Thank you. Lillian Ball.

MS. BALL:

Hello. I'm Lillian Ball. I'm the Chairman of the Great Pond Wetland Preservation Committee of the Kenny's Beach Civic Association, and I'm here to speak in favor of the planning step resolution for •• as a prelude to acquisition of our area.

I'd like to start by showing you a little vial of cranberry chutney that we made from the cranberries in our wetlands. Unfortunately, there are not enough for everybody, but I'd like to present this to

Mr. Caracciolo later for presenting our situation here and getting you aware of the area. You have to share.

Unfortunately, we're here with a very fast approaching deadline. Permits have been given to this wetland. The wetlands are for sale, up to 12 to 15 lots are for sale. They are continuous with the Peconic Dunes Park, the County park. They are part of the same marine fresh water interdunal swale that is in the County park, and they are four •• one of four wetlands in the state that is globally rare, very, very unusual wetlands, and they are the only one on the North Fork, so we have to protect this. Building in our wetlands I think will affect the wetlands in the park, and the ecosystem is extremely fragile and vulnerable, and needs to be kept in balance in order to protect both Great Pond, the park, and Long Island Sound.

There have been no SEQRA studies done. We paid for our own botanical report, which was validated by the Natural Heritage Program of New York State and found to be a globally rare marine freshwater interdunal swale where natural cranberries, carnivorous sundew and the endangered iris prismatica all survive miraculously.

The DEC has been unresponsive to our appeals for the permit it issued last year for the central two lots of the wetland, which is where the cranberries incidentally reside, though they are

spread all over, but there's a huge lot in the middle that have the cranberries. But their own maps, the DEC's maps of the area show the entire •• entire Island to be wetlands. However, they did issue a permit.

Three years ago the Trustees of Southold Town issued a permit, but they are seriously reconsidering the situation based on the information that we have presented to them. The new information that shows that this is very, very unusual area and you cannot build on the dunes, which is what they were advocating, building 50 feet from the visible wetlands, you cannot build on the dunes without affecting the entire wetlands.

Larry Penny from East Hampton Town Natural Resources has spoken to the Trustees at a hearing, saying that not only does this affect the Great Pond and the buffer zone between the pond and the Sound, but in East Hampton, they've had building go on in the swale, which encouraged three houses to fall into the ocean. So, this is a very serious area, and I hope we can protect it.

Let me sum up by saying we have already raised over \$220,000 with the Peconic Land Trust from over 80 donors, including the Audubon Society, and to preserve the 12 lots which are currently vacant. With the help of Southold County •• with Suffolk •• with the help of Suffolk County and Southold Town, we can save this globally rare interdunal swale for future generations. Thank you.

P.O. CARACAPPA:

Thank you. Patricia Dowds.

MS. DOWDS:

Good morning.

P.O. CARACAPPA:

Good morning.

MS. DOWDS:

Thank you for this opportunity to speak. I am someone else who is here about wetlands. This is another parcel. I am here representing the Bayport Civic Association, the residents of South Snedecor and Connetquot Avenue in Bayport. We also are asking that the Legislature approve

1194, which would authorize the steps for acquisition of property on South Snedecor Avenue. Are you waving at me or someone else?

P.O. CARACAPPA:

Someone else.

MS. DOWDS:

Okay. Okay. We are asking that you approve annexing this property with the 3.6 acre parcel that you already own in these wetland holdings.

We oppose any kind of building on this land for much of the same reasons you've heard time and time again this morning. We are concerned for the wetlands, we are concerned for the South Shore Estuary, we're concerned for the wildlife that live there, the Great Blue Herons, the foxes, the muskrats, the ducks, the hawks, the beauty and the Great South Bay, which is fed into through this parcel. The natural stream that comes down through this area feeds right through this property and goes into the Great South Bay. So, this would be, if built on, an additional source of pollution for our South Shore waters.

We thank you for your deliberations in this matter. We thank you for your support so far, and we hope you proceed and do decide to purchase this parcel of land. Thank you very much.

P.O. CARACAPPA:

Thank you very much. I have no other cards. Motion to close the public portion by myself.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions? Motion to approve the Consent Calendar by myself.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions? There's a motion by Legislator Carpenter to take 1188 out of order.

(1188 • Reappointing Chairman of the Suffolk County Water Authority (Michael A. LoGrande)

LEG. CARACCCIOLO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions? 1188 is now before us. There's a motion to approve by Legislator Carpenter, second by Legislator Caracciolo.

LEG. BINDER:

What is this?

P.O. CARACAPPA:

This is Mike LoGrande.

LEG. MYSTAL:

Somebody better call Tonna in.

LEG. TONNA:

I'm right here.

P.O. CARACAPPA:

He's right there. Any discussion? Motion and a second. All in favor?

LEG. TONNA:

Is this to approve?

P.O. CARACAPPA:

Opposed?

LEG. TONNA:

Opposed.

P.O. CARACAPPA:

One opposition. Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

It's approved. Congratulations, Mr. LoGrande.

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

There's a motion by Legislator Viloría•Fisher to take 1337 out of order, I'll second that.

(Designating Poet Laureate for Suffolk County (Dr. Daniel Moran)

All in favor? Opposed? Abstentions?

LEG. VILORIA•FISHER:

That's the Poet Laureate.

P.O. CARACAPPA:

This is the Poet Laureate. Motion to approve by Legislator Viloría•Fisher, second by Legislator Foley. On the motion, Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. I'm very proud to have this resolution before us. The Poet Laureate who served as Poet Laureate for two years, George Wallace, did a tremendous job in establishing the scope and the mission of this position, and the Advisory Committee has chosen a very worthy successor. And I would like to read a very short poem that

Dr. Moran wrote that's in his book, in one of his more recent books, and I think that you'll see how profound and, yet, how accessible

Dr. Moran's poetry is. This poem is called *The Anonymous*.

"It is Saturday night on earth and within the subtle definition of one thousand tiny rooms filled with twenty thousand half empty chairs, two thousand poets will offer up fifty thousand images like gemstones cast by an imagined sea upon the sand of an empty beach. Not far away another will withdraw pen from pocket and endeavor to summon the Divine.

And, Dr. Moran, I'm very pleased to say that each time we read one of your poems and you share your poetry and the poetry of others throughout Suffolk County, there will be I think a more profound of understanding of ourselves and the world around us, and capturing a little bit of the beauty that's in the written word.

Can you, please, stand so all the Legislators can see who you are? And Dr. Moran's family is with him. Congratulations. Thank you.

(*Applause*)

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed?

LEG. FOLEY:

Let him say a few words.

P.O. CARACAPPA:

Abstentions?

LEG. VILORIA • FISHER:

Can we let him say something? We haven't gone into ••

P.O. CARACAPPA:

Just can I take •• can we have the vote first?

LEG. VILORIA • FISHER:

Oh, sure. I'm sorry.

LEG. BISHOP:

We weren't sure if you saw us.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

It's approved. Is this •• you're asking for a point of personal privilege, Legislator Viloría •Fisher?

LEG. VILORIA • FISHER:

Yes, thank you.

P.O. CARACAPPA:

For Mr. •• for Dr. Moran?

LEG. VILORIA • FISHER:

For Dr. Moran.

P.O. CARACAPPA:

Dr. Moran. This is out of our protocol, but ••

DR. MORAN:

Just very briefly.

P.O. CARACAPPA:

Go right ahead.

DR. MORAN:

Members of the Legislature, today is a very proud day in my life. It is all the better that my wife, Karen, and my children, Ashley and Gregory, are here to share it.

Most of us who create art of all kinds do it simply because there is something in us that compels it. For the most part, it is a very solitary pursuit. Our ultimate hope is to make some profound connection with others as we reach for •• excuse me •• for what is within us and around us as we examine and attempt to illuminate what it is to be a human being in this world. And so it is especially gratifying to discover not only that one's efforts have been noticed, but that they have mattered. Any time that a community or a society chooses to honor the artists among them, they are expressing the highest of our ideals as we search for meaning and joy in our life.

And so I am very pleased and grateful to the Legislature of Suffolk County, the place where the greatest American poet, Walt Whitman, began life, that they have chosen me to represent the poets among us for the coming two years. I pledge to them and to the people of Suffolk County that I will do my very best.

The immortal English poet, Percy Shelley, said once that poets are the unacknowledged Legislators of the world. Today I say that Legislators are the unacknowledged poets of the world. To them and to the people of Suffolk County, I am honored and I am very grateful, not only to live among you, but also to be your Poet Laureate. Thank you all.

P.O. CARACAPPA:

Thank you and congratulations.

(*Applause*)

LEG. VILORIA•FISHER:

Thank you, Dr. Moran. Legislator Caracciolo and I will be presenting a proclamation during the lunch break, if anyone wants to join us.

P.O. CARACAPPA:

Very good. Legislator Bishop.

LEG. BISHOP:

So, now we're poets and we didn't know it.

P.O. CARACAPPA:

There you go.

RESOLUTIONS TABLED TO APRIL 5, 2005

P.O. CARACAPPA:

Resolutions Tabled. Page 8. **1086 (A Charter Law to create the Real Estate Acquisition Anti-Corruption Reform Act).** Motion to table by Legislator Binder, second by myself. All in favor? Opposed? Abstentions? (Vote: 18)

1694 (Authorize the commencement of Eminent Domain Proceedings for Mediavilla property, Town of Huntington). Same motion, same second, same vote. (Vote: 18)

1928 (A Local Law to establish smoke free school bus stops in Suffolk County).

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Alden, second by myself. All in favor? Opposed? Abstentions? 2313.

MR. BARTON:

18.

P.O. CARACAPPA:

(2313 • Amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Planning for a study on the effects of the duck farming industry on Long Island).

I'd like to skip over that until after we do the veto.

1086, 1086A (Amending the 2005 Capital Budget and Program and appropriating

funds in connection with the purchase and installation of playground equipment in Suffolk County parks, customized for disabled young children (CP 4815). Motion to table by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions? (Vote: 18)

1103 (Amending the 2005 Operating Budget transferring funds to the IGH Foundation for maintenance of the TWA Flight 800 Memorial at Smith Point County Park).

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Okay. ***1110 (Amending the 2005 Operating Budget and the Salary and Classification Plan to establish a Compliance Officer to insure accountability).*** I'll make a motion to table.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1118 (To promote emission-free energy by purchasing power from renewable

sources).

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Schneiderman.

LEG. CARACCILO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo.

LEG. COOPER:

Motion to table.

P.O. CARACAPPA:

Motion ••

LEG. BISHOP:

Second.

P.O. CARACAPPA:

•• to table by Legislator Cooper, second by Legislator Bishop. All in favor? Opposed? I'll oppose.

(Opposed Said in Unison by Legislators)

LEG. BINDER:

Roll call.

P.O. CARACAPPA:

Roll call.

MR. BARTON:

Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Pass.

LEG. BISHOP:

Yes to table.

LEG. TONNA:

(Not Present)

LEG. BINDER:

No to table.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

No to table.

LEG. KENNEDY:

No to table.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Pass.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILOLO:

No.

D.P.O. CARPENTER:

No to table.

P.O. CARACAPPA:

No.

LEG. COOPER:

Yes to table.

LEG. TONNA:

Yes to table.

LEG. VILORIA • FISHER:

Yes.

LEG. TONNA:

Change my vote to a no.

MR. BARTON:

Seven to table.

P.O. CARACAPPA:

It fails. There's a motion and second already to approve. Roll call it.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Abstain.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

It's approved. Watch out, you guys are going to get a bad grade now on your environmental report card. I guarantee you don't.

LEG. SCHNEIDERMAN:

Joe, can I have a point of personal privilege?

LEG. FOLEY:

Second one today.

LEG. SCHNEIDERMAN:

May I?

P.O. CARACAPPA:

Go right ahead.

LEG. SCHNEIDERMAN:

Okay. First of all, thank you for passing that. I recognize that Jon Cooper and Mike Caracciolo, as well as some others, have a resolution that sets a goal for purchasing renewable energy. It's something that I support. Unfortunately, at the committee level, the Commissioner of Public Works came out and made some serious concerns. We are waiting on a letter or presentation from Mr. Bartha, hopefully today, clearing up the concerns that he raised on the committee level.

I would like to see Mr. Cooper's resolution moved today as well, and that hopefully today we will be able to discharge that and vote that on the floor. And we're just simply waiting for the Commissioner. Okay? So, for those who voted against my bill who really supported it, maybe you'll reconsider that vote. Meanwhile, you know, please be aware that we're waiting on the Commissioner.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah. Thank you, Mr. Chairman. You know, that would have been instructive to know that prior to our vote. And the fact of the matter is, Mr. Chair, if and when the Commissioner of Public Works does appear before us to give us some new information, I hope that if at that time we do move forward with the Cooper bill, that we may entertain a reconsideration motion. But that kind of information from a sponsor of a resolution really needs to be known prior to the vote and while we're •• while the bill is still alive prior to a final disposition of it.

LEG. COOPER:

Mr. Chair.

LEG. SCHNEIDERMAN:

Okay. The sponsor was well aware of that, Mr. Cooper, of the other resolution.

LEG. ALDEN:

We're all done with this, let's keep going.

P.O. CARACAPPA:

Yeah, we're past the bill. We'll debate your bill, Jonathan, when we get to it.

LEG. SCHNEIDERMAN:

Okay, Jon? I'd like see yours passed as well.

P.O. CARACAPPA:

Okay. 1124. ***1124 (Amending the 2005 Operating Budget and transferring funds for pediatric capable automatic external defibrillators (AED's) in the Suffolk County Police Department).*** Legislator Carpenter, what's your pleasure?

D.P.O. CARPENTER:

Motion to approve.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Motion to approve by Legislator Carpenter, second by ••

LEG. NOWICK:

Second.

P.O. CARACAPPA:

Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1147 (Amending the Suffolk County Classification and Salary Plan in connection with a new Position Title in the Department of Public Works).

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Motion to table. Motion to table by Legislator O'Leary, second by my ••

LEG. LOSQUADRO:

I'll second it.

P.O. CARACAPPA:

By Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator Foley.

MR. BARTON:

17.

INTRODUCTORY RESOLUTIONS FOR THE APRIL 5, 2005
MEETING OF THE SUFFOLK COUNTY LEGISLATURE

AD HOC ON WORKFORCE HOUSING

P.O. CARACAPPA:

Page 9. Ad Hoc on Workforce Housing. ***1162 (Authorizing the sale of County•owned real property pursuant to Section 72•H of the General Municipal Law to the Town of Southampton for affordable housing purposes).*** Motion by Legislator Schneiderman, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1302 (Authorizing the sale of County•owned real property pursuant to Section 72•H of the General Municipal Law to the Town of East Hampton for affordable housing purposes). Same motion, same second, same vote.

MR. BARTON:

18.

BUDGET AND FINANCE

P.O. CARACAPPA:

Budget and Finance. ***1093 (Amending the 2005 Operating Budget transferring appropriations and a position to the Department of Health Services to promote cancer awareness).*** Motion to table, Legislator Caracciolo?

LEG. CARACCCIOLO:

Yes.

P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1114 (Amending the 2005 Operating Budget and transferring funds for the Suffolk County Police Department Mastic Beach Sub•Station).

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

P.O. CARACAPPA:

Okay. Opposed, Legislator Vilorio•Fisher, Lindsay, Montano, Cooper, Mystal, Bishop.

LEG. BISHOP:

Table.

LEG. MYSTAL:

Table.

P.O. CARACAPPA:

Motion to table by Legislator Bishop, second by Legislator Mystal. All in favor?

LEG. ALDEN:

This is 1114?

P.O. CARACAPPA:

Yeah. Opposed?

(Opposed Said in Unison by Legislators)

Just raise your hands if you're opposed. Legislator Caracciolo, O'Leary, Losquadro, Foley, myself, Carpenter, Alden, Kennedy, Nowick. Nowick, Binder.

LEG. SCHNEIDERMAN:

Joe, I'm sorry.

P.O. CARACAPPA:

Schneiderman.

LEG. BISHOP:

All right. So that we're on the motion, we have a motion to approve then?

LEG. CARPENTER:

Yes, motion to approve.

P.O. CARACAPPA:

There's a motion. There's a motion to approve and a second. On the motion, I assume?

LEG. BISHOP:

Yes. I just want to know from supporters, perhaps the sponsor, if they have a recommendation on what the criteria should be to establish a substation. And do they have any data to show

that a substation has any impact, any affect? Anybody?

LEG. O'LEARY:

Is that a question to me?

LEG. BISHOP:

If you would chose to answer it, I hope so.

LEG. O'LEARY:

The issue here with 1114 is not whether or not there's sufficient data or criteria to establish a substation within the neighborhood of Mastic Beach on Neighborhood Road, it's whether or not there was a correct offset. And I've given the administration the opportunity for two cycles to come up with an offset for purposes of funding the anticipated costs for this particular substation.

There is a need for this. The community within this particular area is clamoring for more of a police presence and a field office within Neighborhood Road. It's the •• I'm sorry, what's the question?

LEG. VILORIA • FISHER:

The offset, what was that?

LEG. O'LEARY:

The offset is the Police overtime. I'm told by BRO that the offset has to come from within the Police Department budget. As I said before, I've given an opportunity for two cycles for both the Police Department and the administration to come forward with an alternative offset, they have not.

LEG. BISHOP:

How does a field office operate? What is a field office? And how does it improve the Police Department's ability to fight crime?

LEG. O'LEARY:

Field office by definition is •• results in more of a police presence within a given area, and this is what's going to be accomplished as a result of establishing a field office within an area that is

in dire need of more of a police presence, and access for purposes of the residents within that community, easy access to a local office for which to receive police assistance, advice, and coverage. This is all stuff, issues that were brought up in committee and discussed at length. I don't see the need for discussing it here now before the full body. Everyone knows what a substation, a police substation accomplishes. Pure and simple, it accomplishes more of a police presence within a community which is in dire need of it.

LEG. BISHOP:

Okay. So, if •• Mr. Chairman, if ••

P.O. CARACAPPA:

Absolutely.

LEG. BISHOP:

If I may speak. If it's self•evident that these things are better, right, that they increase the police presence and result in a drop in crime why don't we have them everywhere? What is •• what's the logical ••

D.P.O. CARPENTER:

May I respond?

LEG. BISHOP:

•• policy that we're going to follow in •• with regard to police substations, are we going to have them in every downtown? Do they really matter? To me, I drive by a police substation in Huntington, I don't think I've ever seen a police officer in there. It's an office with a phone, a desk and a bathroom.

LEG. O'LEARY:

Anyone who ••

LEG. BISHOP:

And if that's what you think fights crime, I mean, I ••

LEG. O'LEARY:

Anyone who advocates the concept of community policing supports the concept of substations and field offices.

LEG. BISHOP:

Really?

LEG. O'LEARY:

If you do not •• if you do not ••

LEG. BISHOP:

Because I certainly support community policing and I don't support substations.

LEG. O'LEARY:

If you do not support the concept of community policing, then I could see why you would not support the concept of substations and field offices.

LEG. BISHOP:

Well, I don't think your answers have •• you know, they're just declarative statements, substations fight crime. How? What do they do? I don't understand how they help.

LEG. O'LEARY:

I don't believe I stated that substations fight crime. I believe substations afford to the public who need it more of a police presence within their community.

LEG. BISHOP:

Are substations police officers? How are they more police presence?

LEG. O'LEARY:

Substations ••

LEG. BISHOP:

I don't ••

P.O. CARACAPPA:

If you would. We all know substations, they're in Huntington, they're in the Smithaven Mall,

they're in Port Jefferson, hopefully in Bay Shore, there's soon to be one in Coram. The fact of the matter is it gives the public that is not close to a precinct the ability to go to a local police facility that ••

LEG. BISHOP:

Which is going to be locked and no one's going to be in it.

P.O. CARACAPPA:

Well, that's ••

LEG. BISHOP:

Unless there's going to be an assignment.

P.O. CARACAPPA:

That's a policy that the Police Department will deal with.

LEG. BISHOP:

Right. And that's a good answer, right. If there is going to be an assignment of an officer in the substation at a set schedule, if not at all times, then it could have an impact. But if it's simply a door with a name "Police" on it, what are we accomplishing other than, you know, decorating the community? We're not •• we're not fighting crime.

P.O. CARACAPPA:

Well, of course, that's a matter of opinion. It's •• I think our job as Legislators are ••

LEG. BISHOP:

And it's going to be partially decoration if we do it everywhere.

P.O. CARACAPPA:

Our jobs as Legislators is set certain policy and to be people of resource, so to speak, and I think that's what we're trying to accomplish here, set up the mechanism to allow this to happen. The next step, obviously, once the resources and the policy is in place, is that the, I guess the subpolicy, if you will, through the Police Department will be made. But I think our job here today is to get the ball rolling so it can get to the next step.

D.P.O. CARPENTER:

May I?

P.O. CARACAPPA:

And I think that's what this resolution is all about.

LEG. LINDSAY:

Mr. Chairman, put me on the list.

D.P.O. CARPENTER:

Mr. Chairman.

LEG. BISHOP:

I'll yield and I ••

P.O. CARACAPPA:

Legislator ••

LEG. BISHOP:

But I'd like to get back on the list, if I may.

P.O. CARACAPPA:

Yes. Legislator Carpenter, then Lindsay, then Vilorio•Fisher.

D.P.O. CARPENTER:

I just would like to share some information about a substation or a field office that we have in Bay Shore at the Westfield Shopping Town. You might characterize it as decoration, Legislator Bishop.

LEG. BISHOP:

Yeah, I'm sorry.

D.P.O. CARPENTER:

But, quite frankly, it's not. First of all, when you have a field office and you've got the police name up there, as I'm sure Legislator Cooper can attest to in Huntington Station, there is that perceived police presence. The cost of something like that, quite frankly, at the mall in Bay Shore was borne by the mall. They outfitted the building, they gave up the space, there is no rent incurred. It is a vehicle for the Police Department to enhance their policing efforts, because if an arrest is made at the mall, Legislator Bishop, this is how it helps police presence in policing. The officers are not then required to process the person at the precinct, they do it right there at the mall. There's a computer there, there are phones there. They're able to process that person right there, and not take the police officer whose sector the mall is in off the street, so to speak. That same perception of police presence you'll see at the mall very often in designated parking spaces that say "Police Parking Only". Certainly, it's not policing, but if someone that wants to commit a crime sees that the police have designated parking spaces at the mall, they're less inclined to want to do that, because the perception is that if they have dedicated parking, they come here on a regular basis. And that's all part of it. The perception is a good part of it, but it is another tool. It is very much community policing, and it's something that I think this body has been committed to, and approving a resolution like this goes in that direction.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. There's two points about it. I don't think anybody at the horseshoe here is against community policing or providing the assets that any of our law enforcement people need, whether it be the District Attorney's Office, the Police Department, or our Correction Officers. I've never in my experience seen us deny any request that comes from the respective departments that need help. I don't think this request came from the department, that's the one issue.

The second issue is the offset again is we •• it's not a huge amount of money, it's \$49,000, but we •• since we passed the budget, we have been continually raiding the police overtime fund, and we're only in the first quarter, people, and we're just starting the second quarter. If we continue to do that as we get towards the end of the year, we're going to have a serious problem with that fund.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. BISHOP:

I'd like to go back on the list, if I'm not.

P.O. CARACAPPA:

Yeah, okay.

LEG. VILORIA•FISHER:

Mr. Chair, those were my points.

P.O. CARACAPPA:

Okay. Budget Review, I know there have been some resolutions for police overtime as offsets, but I don't think they've ever been used. If they were, they were vetoed and not sustained. Have we dipped into police overtime as offsets, and been successful? I'll just add that.

MS. VIZZINI:

I can check that for you. I do know that salaries are an adequate offset, especially in light of the fact that they've deferred the police class. Whether you take it out of permanent salaries or overtime, they each compensate for one another.

P.O. CARACAPPA:

Okay, thank you. Legislator Bishop.

LEG. BISHOP:

I hope that when we do initiatives like a police substation or parking spots dedicated, I hope we're fooling the criminals and not fooling the public, because if the idea is that we're going to have a presence in the community, then what we need is a planning to have that presence and some objective measurement of what the best way to spend money in order to create that presence is.

I was an advocate many years ago of establishing bicycle patrols, but when I did that, I had research to back up my contention that the most memorable police officer is an officer on a

bicycle, because at the time it was very unique and people would certainly say, "Oh, look at that, there's a cop on a bike," and so the presence quota was increased.

What I want to know from Budget Review is if you spend down police overtime on different initiatives and take money away from overtime, what happens •• how does the •• how does the Police Department spend •• pay for overtime at that point?

MS. VIZZINI:

Typically, there would be a budgetary transfer from the permanent salaries account or within personnel services.

LEG. BISHOP:

Okay. But I'm led to believe that the police spending is very •• you know there's •• even within the budget, even within the maneuverability of the budget, the amount that we've given to police we've maxed out. In other words, the services are going to cost that amount. What happens then at the end of the year if the •• you know, they •• can we ••

MS. VIZZINI:

There could be a budgetary transfer from other expenditure areas within that fund.

LEG. BISHOP:

Only within the police fund.

MS. VIZZINI:

In this case, this is a Police District Fund expense.

LEG. BISHOP:

Right. Okay. So, if you •• but if there's no surpluses elsewhere come November or December, what occurs at that point?

MS. VIZZINI:

A housekeeping resolution that could theoretically include ••

LEG. BISHOP:

I mean, how do we get money in there if we're ••

MS. VIZZINI:

It's a separate taxing district, so there is the potential that there could be a shortfall if everything was expended.

LEG. BISHOP:

Right. And where •• has there been an analysis of the police budget to suggest that there's going to be excess overtime money?

MS. VIZZINI:

There's an analysis of the permanent salaries, which indicates that there are vacancies and there are •• there is available money in turnover savings.

LEG. BISHOP:

Okay. And if there's available money at the end of the year in turnover savings, do we get to keep that in the police budget for next year? Does it go to fund balance like we do with the General Fund?

MS. VIZZINI:

If the money is not needed elsewhere ••

LEG. BISHOP:

Right.

MS. VIZZINI:

•• such as your scenario with an overexpenditure, then, yes, it would fall to fund balance.

LEG. BISHOP:

Okay, good. Because I know that we have a lot of pressure every year. You know, if you look just •• your constituents obviously know it by looking at their tax bill. The Police District tax keeps going up, so if we have an effort to save money in the Police District, this is what's going to help you keep taxes down next year. And to spend it on a district initiative •• was this initiative in our Operating Budget when we did the omnibus?

P.O. CARACAPPA:

No.

LEG. BISHOP:

No. And so this is •• we're right out of the gate in the new year, because this I'm sure was filed in February, this is a district specific initiative, because there's no county•wide rationale for this, there's no plan, and it's done without any coordination with the Police Department to show that it's going to have the impact in the community that the Legislator desires. Again, I think this is decorative, not substantive, and I think you go down a very slippery slope where everyone's going to want one of these. Certainly, I'm going to want one. If they work, heck, give me three. I've got three downtowns. Thank you.

P.O. CARACAPPA:

Thank you. Anyone else? Okay, there's a ••

LEG. O'LEARY:

Move the motion.

P.O. CARACAPPA:

There's a motion and a second.

LEG. SCHNEIDERMAN:

Roll call.

P.O. CARACAPPA:

Roll call has been asked for.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Pass.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCCIOLO:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MONTANO:

Yes.

MR. BARTON:

15.

P.O. CARACAPPA:

Okay, it's approved.

LEG. O'LEARY:

Thank you.

P.O. CARACAPPA:

1129 (Amending the 2005 Operating Budget to streamline and consolidate County government by eliminating the proposed separate Department of Environment and Energy). Motion to table by myself, second by Legislator Bishop. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

CONSUMER PROTECTION

P.O. CARACAPPA:

Consumer Protection. ***(1191 • A Local Law to protect consumers by requiring full disclosure of Refund Anticipation Loan (RAL) information).*** Motion by Legislator Alden, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

Economic Development, Higher Education and Energy. ***1223 (Adopting member of the Empire Zone Administrative Board (Thomas Weber)).*** Motion by Legislator Schneiderman, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1253 (Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grants Program for Alliance of Long Island Agencies, Inc. 68% reimbursed by State funds at Suffolk County Community College and 32% reimbursed by Alliance of Long Island Agencies, Inc.). Motion by Legislator Carpenter, second by Legislator Foley. All in favor? Opposed?

Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1272, 72A (Appropriating funds in connection with environmental health and safety • college wide (CP 2131). Motion by Legislator Foley, second by Legislator Nowick. All in favor? Opposed •• oh, roll call, sorry.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1277, 77A (Appropriating funds in connection with removal of architectural barriers/ADA compliance (CP #2127). Motion by Legislator Nowick, second by Legislator Kennedy. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present).

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Aye.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1278, 78A (Appropriating funds in connection with the replacement of unsafe tennis courts (CP #2170)). Motion by Legislator Nowick, second by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. NOWICK:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***1333 (Authorizing County Executive to renew the airport joint use agreement with the United States of America for the New York Air National Guard)***. Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

EPA. 1188 was already done. ***1194 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (property located on South Snedecor Avenue, Bayport) Town of Islip)***. Motion by Legislator Lindsay, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

12 •• okay. We're going to do all SEQRAs now, so hold on.

1226 (Making a SEQRA determination in connection with the proposed planning and construction of alterations to Labor Department Buildings, CP #1608, North County Complex, Hauppauge, Town of Smithtown). Motion by myself, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1227 (Making a SEQRA determination in connection with the proposed planning and construction phases for the expansion of the Sheriff's Enforcement Division at the Criminal Court Building, CP #3013). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. POSTAL:

28 (1228 • Making a SEQRA determination in connection with the proposed planning and installation of Fire, Security and Emergency Systems at various County facilities, CP #1710, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

29 (1229 • Making a SEQRA determination in connection with the proposed replacement of major building operations equipment at various County facilities, CP #1737, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

30 (1230 • Making a SEQRA determination in connection with the proposed investigation and removal of toxic and hazardous building materials and components at various County facilities, CP #1732, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

31 (1231 • Making a SEQRA determination in connection with the proposed planning phase for the improvements to the Normandy Manor, CP #7430, Centerport, Town of Huntington). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

32 (1232 • Making a SEQRA determination in connection with the proposed planning and construction of the Riverhead County Center Power Plant Upgrade, CP #1715, Town of Southampton). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

33 (1233 • Making a SEQRA determination in connection with the proposed planning of modifications for compliance with the American Disabilities Act, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

34 (1234 • Making a SEQRA determination in connection with the proposed planning and construction of weather proofing County buildings, CP #1762, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

35 (1235 • Making a SEQRA determination in connection with the proposed planning for improvements to the Water Supply System, CP #1724, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

36 (1236 • Making a SEQRA determination in connection with the proposed planning and installation of Uninterruptible Power Supply Replacement, CP #1775, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

37 (1237 • Making a SEQRA determination in connection with the proposed planning and construction of Police Headquarters Operations Center renovations, CP #3231, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

38 (1238 • Making a SEQRA determination in connection with the proposed planning phase of the Firearms Training Section Drainage Project, CP #3161, Town of Southampton). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

39 (1239 • Making a SEQRA determination in connection with the proposed planning and construction at Sewer District #14, CP #8118 and #8151, Parkland, Town of

Islip). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

40 (1240 • Making a SEQRA determination in connection with the proposed planning for improvements to Sewer District #3, CP #8132, Southwest, Towns of Islip and Babylon). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

41 (1241 • Making a SEQRA determination in connection with the proposed planning and construction for improvements to Sewer District #7, CP #8119, Medford, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

42 (1242 • Making a SEQRA determination in connection with the proposed stormwater remediation to Carll's River at Phelps Lane, CP #8710, Town of Babylon).
Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

43 (1243 • Making a SEQRA determination in connection with the proposed Police Department additional data shortage, CP #3236, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

44 (1244 • Making a SEQRA determination in connection with the proposed Police Department Laser Measuring Equipment, CP #3505, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

45 (1245 • Making a SEQRA determination in connection with the proposed Suffolk County Sewer District Laboratory, CP #8166, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

And **46 (1246 • Making a SEQRA determination in connection with the proposed improvements to Sewer District #10 • Stony Brook, CP #8175, Town of Brookhaven).** Same motion, same second, same vote.

MR. BARTON:

18.

(Legislator Foley Applauded)

P.O. CARACAPPA:

Well, thank you, Legislator Foley, I certainly do appreciate that. Okay.

1294, 94A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the improvements to active parkland/recreation areas).

LEG. BISHOP:

What is it?

P.O. CARACAPPA:

Oh, there's no •• just so you know, Legislator Bishop •• is he here? We'll skip over it until ••

LEG. ALDEN:

Yes.

P.O. CARACAPPA:

Oh. There's no bond for •• we have no bond yet.

LEG. O'LEARY:

Motion to table. Motion to table.

LEG. BISHOP:

I don't understand what you mean.

P.O. CARACAPPA:

We need a bond resolution.

LEG. BISHOP:

Oh, physically.

P.O. CARACAPPA:

We have no bond resolution.

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator ••

LEG. O'LEARY:

Motion to table with gusto.

P.O. CARACAPPA:

Is there a second with gusto?

LEG. VILORIA • FISHER:

With feistiness.

LEG. O'LEARY:

With feistiness.

LEG. BISHOP:

You got Greenways in your district.

P.O. CARACAPPA:

There's a motion by Legislator Bishop to table, second by Legislator O'Leary. All in favor?
Opposed? Abstentions?

P.O. CARACAPPA:

1297 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Great Pond Wetlands property • Town of Southold).

MR. BARTON:

18.

P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1299 (Authorizing planning steps for acquisition under Suffolk County Save Open

Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Harbor Cove Restaurant, Inc., property) Town of Brookhaven).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator ••

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

•• Losquadro. All in favor? And O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1306 (Authorizing planning steps for the acquisition of Farmland Development Rights by the County of Suffolk, under the New Save Open Space (SOS), Farmland Preservation, and Hamlet Park Fund Program). Motion by Legislator Losquadro.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1309 (Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund for the Abess property, (SCTM No. 0600•117.00•02.00•012.004 P/O) (f/k/a 0600•117.00•02.00•012.003 P/O), Town of Riverhead). Motion by Legislator Carpenter, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1310 (Authorizing the inclusion of new parcels into existing agricultural districts in the County of Suffolk). Motion by Legislator Losquadro, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1315 (To appoint member of County Planning Commission (Vincent Taldone).

LEG. O'LEARY:

Mr. Chair.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

I would request that the Chair put 1315 off until such time as I hear from the representative from the County Executive's Office with respect to this, an alternative proposal with respect to 1315. So, until such time as that occurs, I would ask to hold off 1315, action on ••

P.O. CARACAPPA:

We'll skip over it for the time being. Legislator Caracciolo.

LEG. CARACCIOLO:

I'm going to make a motion to table, Mr. Chairman. There's no reason to negotiate with the Executive on this. If we want to get into this issue, I'm prepared to do so.

LEG. ALDEN:

I'll second the motion to table.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

There's a motion and a second to table.

LEG. LINDSAY:

Yeah, on the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley, then ••

LEG. CARACCIOLO:

Roll call, Mr. Chairman.

P.O. CARACAPPA:

There's a •• people want to speak.

LEG. CARACCIOLO:

Yeah.

P.O. CARACAPPA:

Legislator Foley, then Lindsay.

LEG. FOLEY:

Thank you, Mr. Chairman.

P.O. CARACAPPA:

We were going well.

LEG. FOLEY:

And what I'm about to say I would say regardless of what will transpire later this year. But the fact remains that this is a position that in the past, when Supervisors of different townships have forwarded names to our Legislative body for approval, not just most often, invariably in almost every case, we have approved those particular appointments that have been forwarded by Supervisors. In this case, I know that there's bipartisan support for Mr. Taldone. We have seen his •• reviewed his resume, we've known his advocacy in a wide variety of public policy areas, particularly in the area of transportation, but he's also well versed in land use issues. And when you look at transportation and land use, whether in the Township of Riverhead or throughout Eastern Suffolk County, a person of Mr. Taldone's experience and qualifications is sorely needed on the Planning Commission. If you couple that with the fact that there are too many vacancies currently on the Planning Commission where there's difficulty getting a quorum, when you put all those pieces together, and the fact that this has been around for so long a period of time, this particular vacancy, I was encouraged when this resolution was approved out of committee, thinking that today we would move forward with this delayed appointment, as I hope we will move forward with the delayed appointment that the County Executive has moved forward for his at•large appointment, as well as an East Hampton appointment, but I would hope that we can approve this today.

Mr. Taldone is in the audience, if anyone has any questions. But I'd be sorely disappointed, greatly disappointed if, after the approval by committee on a bipartisan basis, that this now would be tabled once again. It does a disservice to the Town of Riverhead, it does a disservice, I believe, to the Commission where they need more members, because they have difficulties now getting a quorum. Thank you,
Mr. Chair.

P.O. CARACAPPA:

Legislator Lindsay, then Alden.

LEG. LINDSAY:

Yeah. I want to reiterate Legislator Foley's comments, but in much shorter form.

LEG. BINDER:

That won't be hard.

LEG. LINDSAY:

Our Planning Commission isn't functioning, because we don't have enough people. We've got to get by this and appoint people so it can operate. You know, we've been kicking around appointments here for a year. Let's do what we have to do and fill out the appointments, so that the Commission can meet and do their effective work.

P.O. CARACAPPA:

That sounded like a haiku poem, right, Mr. Moran? Was that as short as a haiku? Okay. Legislator Alden.

LEG. ALDEN:

I just have a question of Legislative Counsel, or maybe the sponsor •• not the sponsor, but maybe Legislator Caracciolo knows the answer to this. It was my understanding that there's somebody that's serving in this position right now with no complaints against him or anything like that and did a very fine job, because he's not compensated. He makes most of the meetings, if not all the meetings. So, could somebody correct the record on that?

P.O. CARACAPPA:

Who would, County Executive?

LEG. CARACCIOLO:

If the question's to me, I'd be happy to.

P.O. CARACAPPA:

If you can answer it.

LEG. CARACCIOLO:

Okay. Well, what I believe this resolution is all about is politics. The Executive wants to stack the Planning Commission with his appointments, that's the bottom line. But more importantly, what the Legislature needs to know is that there are currently almost a half a dozen vacancies. And it's very interesting, when you look at the Planning Commission and you look at where those vacancies occur and nothing has happened. We're not talking about a position that's vacant. We have a person serving and representing the Town of Riverhead in this position.

But let's talk about the towns like Brookhaven, Southampton, Southold, and two at•large positions that are vacant. If the County Executive is clamoring to replace vacancies, well, there are five vacancies,

Mr. Executive. Put forth your resolutions. Get your facts straight. This is nothing more than a political agenda, an attempt to advance that political agenda.

And if Mr. Taldone is qualified, I will look very closely at his qualifications and support him for an at•large position. But that's what this is all about. The Executive's in the paper with his spin machine talking about, "Oh, we have to fill vacancies." Well, listen, Steve, fill them. There are five. This one's not vacant.

LEG. ALDEN:

So ••

LEG. BISHOP:

Excuse me.

LEG. ALDEN:

That pretty much ••

LEG. BISHOP:

Am I next?

LEG. ALDEN:

Almost •• it almost answers my question, but ••

P.O. CARACAPPA:

Almost.

LEG. ALDEN:

I guess, technically, super technically, if you went to it, he's a hold•over, or his term expired, but he still continues to serve uncompensated, he still continues to go to the meetings, still continues to vote.

LEG. CARACCILOLO:

Yep. And let me point out, and take note, in the Town of East Hampton, hello, Steve, are you listening? Since 2000, we've had a vacancy. You've been in the Executive a year•and•a•half. Where's the replacement? Brookhaven, hello, more than a year, a vacancy. You and the Supervisor there have a great relationship. Where's the replacement? Southampton. And I can go on, and on, and on.

P.O. CARACAPPA:

All right. I don't know if that was asked.

LEG. CARACCILOLO:

So, I think the suggestion, Mr. Chairman, by Legislator O'Leary is a very good one.

P.O. CARACAPPA:

Right. We'll wait to hear back. Did that answer the question?

LEG. O'LEARY:

Could I ••

LEG. ALDEN:

Can we condense it? Yes. So, the answer is yes, there's a guy there serving, no complaints against him, but he's ••

LEG. LINDSAY:

He didn't say that. He didn't say that.

LEG. CARACCILOLO:

I said that.

LEG. ALDEN:

He did say that.

LEG. LINDSAY:

I missed it, then.

LEG. ALDEN:

Oh. That's why •• that's why I'm trying to sum up. Bill, I'm going to sum up almost as quickly as you did. There is a person ••

LEG. O'LEARY:

Through the Chair.

P.O. CARACAPPA:

Come on, stay focused.

LEG. ALDEN:

There's a person there ••

LEG. O'LEARY:

Through the Chair, please.

LEG. ALDEN:

•• who's a hold•over, he's still serving, he still goes to all the meetings, he still votes, and there's no real complaints against him, but his term technically expired, so he is still continuing to serve as a hold•over, so it's not completely vacant.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

There's a list.

LEG. BISHOP:

Am I ••

P.O. CARACAPPA:

Legislator Binder, then Bishop, then Foley.

LEG. O'LEARY:

Mr. Chair.

P.O. CARACAPPA:

There's a •• I'll put you on the list?

LEG. O'LEARY:

Yes, please.

LEG. BINDER:

Mr. Chairman, it really is unfortunate that the Newsday stories had a very specific spin, is that there needs to be people on a board, and we were talking about replacing right now someone who's actually voting. Now, whether he's a holdover or in any other position, as long as he's there, makes the meetings and votes, then we're not talking today about this particular position as adding to a question of voting, that's not what we're talking about today. If this were a vacant position, if

Mr. Taldone's name were up for a vacant position, then that's what the discussion would be today, is adding to a board that needs a quorum, that needs more votes, that needs an opportunity to be able to vote and often can't. This doesn't change the situation an iota. If Mr. Taldone goes on, someone goes off, the person who was there and voting is not there and someone else is there. This doesn't change the situation, so please don't cloak this in, "We need more help on this board and then you're obstructionists if you don't do it."

And the fact is that I think the Legislator from the area has serious concerns in terms of how this would be structured in his area, and I think we have often, more than often, we've most times given due deference to Legislators in their areas, not just said, "Who's the Supervisor," "Oh, they put him in," and that's over. That's not what it is. We have collegiality here across Republican, Democrat lines, and we say Legislators from that area have a lot of say in what

happens in the representation on the boards from their areas, and we should give the same due •• collegiality to Legislator Caracciolo, he has a concern about that. And I heard him just say that it's not the individual, it's not personal, because I think he would look favorably upon Mr. Taldone being in the at•large position, which would file the •• give us the opportunity to fill the position for a vote. So, it's not personal, it's not Mr. Taldone, but Mr. Caracciolo has a concern in his area and the representation in the specific area. And we've always done that collegially and I hope we're going to do that today.

P.O. CARACAPPA:

Legislator Bishop, then Foley.

LEG. BISHOP:

Thank you. First, I want to congratulate Legislator Caracciolo who in front of the new Poet Laureate has just raised the level of debate here to, "Hey, Steve, hello." I mean, really.

Let's talk about the spin, the spin machine. You accused County Executive Levy of offering up nominees for political agenda. His agenda's quite clear. He's offering up qualified nominees who have the support of their towns. It is the self•aggrandizing Legislators who put holds on them, they don't even give reasons normally, they just say, "Oh, there's" •• you know, "Motion to table," and they get backed up by their colleagues in the same party, and for a year•and•a •half this has gone on, and who is suffering as a result is the function of that Planning Commission, the Planning Commissioners say so, and it's the public ultimately who's not served by a commission that's functioning at its highest level. But, when we ask for reality checks and facts, why don't we go through the facts.

The Commissioner nominee that was offered in the Town of East Hampton had the support of the East Hampton Town Board, which is a bipartisan board, and it was blocked by the Legislator from East Hampton, who for a year refused to put on the record what the problem was. We have this similar situation in Riverhead, right?

LEG. CARACCILOLO:

Wrong.

P.O. CARACAPPA:

No.

LEG. BISHOP:

We had a similar situation in Riverhead where the nominee was supported by his Town Board and it was blocked by the Legislator who represented Riverhead. And I assume this is going to go on in the other towns that have representatives from the Republican side. So, I think that what we ought to do is do what we're charged to do. Why don't you do it like I do it in Babylon. You know who represents Babylon on the Planning Commissioner?

LEG. CARACCILO:

Holdover for five years.

LEG. BISHOP:

The Republican Zone Leader in the Village of Lindenhurst, but he has the support of the Democratic Town Board and of the Democratic Legislator, that's me. The reason is because he does the job correctly. So, why don't you seek people who do the job correctly and stop accusing County Executive Levy of political purpose when it really is about your self •aggrandizement.

P.O. CARACAPPA:

Legislator O'Leary. I'd ask everyone, before we go on, let's time out a second.

LEG. BINDER:

That is unnecessary, Mr. Chair, that is unnecessary to attack.

P.O. CARACAPPA:

All right. There was a volley one way and there was a volley back. Let's try and put an end to that kind of talk right here and now and debate the issue, the nominee, and let's try and put the politics on the back burner as we debate the rest of this, please, if we could be gentlemen and ladies towards each other. Legislator O'Leary

LEG. MONTANO:

You want to say anything?

LEG. O'LEARY:

With the understanding that we're not talking about politics here, I take a bit of exception to Legislator Bishop's comments regarding current incumbents. The incumbent who represents the Town of Riverhead on the Planning Commission is doing the job and continues to do the job. My concern is that if the administration is of the mind•set to fill these vacancies, there are other vacancies which he has not attempted to fill, most notably the at•large vacancies. And for the record, I did make a proposal to the Executive's representative here today to see if the County Executive would consider filling one of the two vacant at•large positions, which is the reason why I asked to put 1315 aside until such time as I receive word from that representative.

I absolutely agree that Mr. Taldone is qualified. There is not a question of his qualifications. The question is whether or not the administration intent is to be selective in filling vacancies that occur •• that are within the Planning Commission. If there was a true intention on the part of the administration to fill vacancies, there would be an attempt to fill the other vacancies as well, which there has not been.

I also point out for the record that three of the four previous appointees, or suggested appointees by the administration were real estate brokers, and there are some of us who sit on the horseshoe here and within the committee that reviews the applications where we have an objection to real estate brokers being on the Planning Commission. There's an inherent conflict with that. But, putting that aside, I think we're all of the mind•set that we should have an effective working Planning Commission, and in order to do that, we have to have appointees placed on the Planning Commission that are •• that we can agree on. I would suggest that one of the ways to do this is to focus on the other vacancies that are on the Planning Commission, most notably the at•large positions, and as Legislator Caracciolo pointed out, the Brookhaven vacancy, which for some reason has not come forward, even though it's been requested to do so.

So, with that, I would ask my colleagues to consider, consider not only the qualifications, but the other vacancies that occur within the Planning Commission, to fill them as expeditiously as possible.

LEG. CARACCILO:

Add me to the list.

D.P.O. CARPENTER:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you.

D.P.O. CARPENTER:

Followed by Legislator Foley.

LEG. CARACCIOLO:

Mr. Zwirn is in the auditorium. I know that request has been made to him directly or indirectly by Legislator O'Leary. Can we get a response?

D.P.O. CARPENTER:

Mr. Zwirn, if you would. Thank you.

MR. ZWIRN:

Good morning. I did have a chance to talk with the County Executive, and his feeling is, is that if Mr. Taldone is qualified for the at•large position, he's certainly qualified for the Town of Riverhead position. It's not the first position that has •• that has not passed the Legislature. He has proposed other people for the at•large position and that was not approved, Mr. Taldone is the second one.

Historically •• it's a County Executive appointment, but historically I understand the Supervisors from the different towns have made the recommendations. In some cases, you have town board resolutions for some of the candidates that have been put before the Legislature and they haven't been approved. We had one from the Town of Southold, John Nichols, Jr., who appeared before the committee on more than one occasion and his name has not come up for a vote.

So, in short, I appreciate Legislator O'Leary reaching out, but my understanding is, is that the County Executive is staying firm with this, because if he's good enough for the at•large position, he's good enough for the Town of Riverhead position. Thank you.

LEG. CARPENTER:

Thank you. But I think I, you know, heard the debate, I was in the back, and I would have to say, if he's good enough for the town position, he's good enough for the at•large position, and you may want to take that back. And I think that there needs to be some give and take on this, and this has been going on for a very long time, and perhaps if the County Executive could see his way to give us that CN and approve that at•large position, at least there'd be some movement and maybe we can put this behind us.

MR. ZWIRN:

Thank you very much.

D.P.O. CARPENTER:

Thank you, though, Ben.

MR. ZWIRN:

Thank you.

D.P.O. CARPENTER:

Legislator Caracciolo.

LEG. CARACCILOLO:

Yeah. I just ••

LEG. O'LEARY:

May I, just a point of personal privilege?

LEG. CARACCILOLO:

Go ahead, Pete.

D.P.O. CARPENTER:

Certainly, Legislator O'Leary.

LEG. O'LEARY:

But it's my understanding that a CN is not forthcoming with respect to this; is that the answer that you've been given?

MR. ZWIRN:

That •• yes, there's not a CN coming for it.

LEG. CARACCILOLO:

Okay.

LEG. O'LEARY:

Okay, fine.

MR. ZWIRN:

Okay.

LEG. CARACCILOLO:

Madam Chair, I'm going to reiterate my motion to table.

D.P.O. CARPENTER:

Okay. And I do believe we still have ••

LEG. CARACCILOLO:

And if we want to continue discussion, I'd like to go back on the list.

D.P.O. CARPENTER:

Okay. So, Legislator Foley.

LEG. FOLEY:

Thank you. You know, I'd like know what has changed from the committee meeting to today? If we had the minutes of the committee meeting, people were speaking glowingly about Vince Taldone for this position, and they were using this particular resolution as an example of bipartisan support to move forward a common agenda with the Suffolk County Planning Commission. They were using this resolution •• supporting this resolution in contrast to continuing to table the at•large resolution that the County Executive moved forward. So, what

has changed or what has transpired from the committee meeting to today? I haven't heard of anything over the past week•and•a•half. Many of the comments made, and again, on bipartisan basis, in committee were very supportive of Mr. Taldone for this particular position as a person coming from the Township of Riverhead.

Now, it must also be made plain for the record that while this bill was submitted on March 15, this is a resubmittal of a resolution that was submitted early last year for the same person, for the same position. And, in fact, he was the second name to be moved forward for Riverhead. The first name was Mr. Ed Tuccio, which was tabled for months on end.

And I can't recall, Mr. Chairman, in the past, and I stand to be corrected, where we've ever •• where there's ever been before three members consistently tabled for such a long period of time as we've had over the past year to •• actually, year•and•a•half. In the years that I've been in the Legislature, I haven't seen that. There may be the odd occasion when that's happened, but not with this consistency of delay where good names have been put forward, and, in this case, where there was unanimous support, I believe, out of committee less than two weeks ago. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Foley. Legislator Alden.

LEG. ALDEN:

I can answer part of that, but I'm not on this committee, but I could tell you one thing that I saw that happened. I read an article in Newsday within the past couple of days that really concerned me about how the board was functioning, and how it was dysfunctional, and how it couldn't function, and then I think specifically this position was mentioned as one that was making it so that the board couldn't function.

LEG. CARACCILOLO:

That's not true.

LEG. ALDEN:

Then I felt that that was a •• that might be a crisis situation, so it warranted some look on my part. And when I called up and found out that there was somebody actually attending all the meetings and voting and participating, sitting in that seat. So, that concerned me, then, that

somebody was getting misinformation, and whether Newsday reported it incorrectly or it was given to Newsday by the County Executive incorrectly, that greatly concerns me, too, because that takes it outside of the realm of, you know, what is really the truth, what's happening, who we have to appoint to this board to make it function.

And, actually, if the reality is going to be distorted, then you have to question the whole process, and then you have to get into why other positions weren't being proposed to be filled, and why a statement was made that, you know, certain Legislators are being obstructionists and trying to destroy government when, in fact, we had a functioning person right in this position, a person that attended every meeting, and a person that was going, and on his own, not being paid for it, and voting. So, that's what in my mind changed and caused me a little bit of anxiety, and also to look into the situation and find that it was totally distorted.

P.O. CARACAPPA:

Okay. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman.

P.O. CARACAPPA:

You're welcome.

LEG. CARACCIOLO:

I think Legislator Alden really has clarified and crystalized the issue. A, this is a position that is currently filled. B, and I want to respond to comments by other Legislators who, obviously, either forgot or have, you know, selective amnesia, that I did advance, along with the County Executive, another candidate's name, Mr. Tuccio, and that resolution was not stalled in the committee, Brian, it came to the floor in March of last year, three months after this vacancy occurred, and there was not a second on that motion, which meant it was defeated.

Third, as I've stated, this is nothing more than transparency on the part of the Executive to create this illusion, as Legislator Alden pointed out, that this position is, A, vacant, which it is not. As a result, if it were vacant, the Commissioner's having difficulty obtaining quorums,

which it may, because, as I pointed out, and I'm going to go through the list, so that nobody, you know, forgets what I said earlier, there's been one vacancy in the Town of East Hampton since 2000. That's over five years. There are six holdovers, and among those holdovers, I might note, one is from the Town of Babylon from 2001. Mr. O'Dea has only been a holdover since 2003. I would also note that there are four vacancies, Town of Brookhaven, which has been vacant for more than a year. Where's the nominee, Mr. Executive? Town of Southold, we did approve and appoint a replacement there. Unfortunately, that individual died and there is now a vacancy. That vacancy isn't that old. Third, Town of Southampton, a vacancy since '04. So, let's stop the misinformation campaign, you know, the Executive •• I don't believe Newsday reported it incorrectly, Legislator Alden, I believe they were fed information that was misleading and ••

LEG. ALDEN:

Emi didn't ••

LEG. CARACCILOLO:

And I'll be kind.

P.O. CARACAPPA:

Hold on.

LEG. ALDEN:

Emi didn't report it, the ••

LEG. CARACCILOLO:

Okay. No, no.

LEG. ALDEN:

No, she didn't, she got it ••

LEG. CARACCILOLO:

But let's stop this illusion that right now we have a vacancy in Riverhead and because of that vacancy the board can't function. That's not the issue at all. And Mr. Taldone may be qualified and I may support him for an at•large position, so it's got nothing to do with personalities and personal qualifications. I supported Mr. Tuccio. Where were 17 other Legislators, not one of

whom sits here today, that second that motion? Not one.

P.O. CARACAPPA:

Okay. Thank you. Legislator Montano.

LEG. MONTANO:

Thank you. Just very quickly, I am having a little difficulty understanding East End politics. I'm not really clear on your objection if you say that you would be willing to support this candidate, whom I don't know, for a position on the Planning Board, and yet you tie in his appointment to appointments that you claim haven't been made or that aren't being made, and I don't know that this really has relevance to those other vacant positions. So, I'm really •• Legislator Caracciolo, I'm just really trying to crystalize what your opposition is. I mean, I've heard the statement about that you proposed someone and the person wasn't appointed, and, you know, sometimes that happens. I understand that there may be other positions that, you know, should be addressed. Yeah, I'm •• just let me finish this and maybe you can just •• because I really don't understand. All right. I don't think you've crystalized to me what your real objection is to, what's his name, Mr. Taldone? And, yet, on the other hand, I've heard from other Legislators that we don't have an issue with respect to this individual's qualifications. You, yourself, said you would support him for a position on the Planning ••

LEG. CARACCILOLO:

I said I may.

LEG. MONTANO:

Oh, you •• well, you may, but his resume has been out there for awhile. Other Legislators say it's not an issue of qualifications. So, if we're not playing politics, what are we doing with this, if ••

LEG. CARACCILOLO:

Mr. Chairman, may I respond?

P.O. CARACAPPA:

Was that a ••

MR. MONTANO:

Through the Chair, I would ask you to ••

P.O. CARACAPPA:

Was that a question, Legislator Montano?

LEG. MONTANO:

Through the Chair, I would ask you to address the concerns that I have, so I can decide which one ••

LEG. CARACCCIOLO:

I appreciate that, and I think, Mr. Chairman, that's a fair question.

P.O. CARACAPPA:

If you can answer it in a brief fashion, that would be even better.

LEG. CARACCCIOLO:

Thank you. Okay. Let's not mix oranges with apples is what I'm saying. We may have two very qualified individuals from the Town of Riverhead to serve on the Planning Board. I would note the Town of Huntington currently has three representatives, three. Three members of a 15-member commission come from the Town of Huntington. So, I am not opposed if the Executive wants to support or introduce a resolution for an at-large position for Mr. Taldone in the Town of Riverhead, I'm not opposed to that at all. What I'm saying is we have a qualified individual, he's one of the brightest members of this Planning Commission, has a lot of knowledge, he serves on the Town Planning Board.

Now, I know the Executive has this issue with people serving on Town Planning Boards and perhaps the County Planning Commission, but there's nothing in our Charter that precludes people serving on Planning Boards. In fact, I've introduced a resolution, which I have yet to hear from the Executive whether or not he'll support, that would have very strict guidelines on who may serve on the Commission, and I would suggest everybody take a look at it, you may want to cosponsor that. If there is a concern that people can't serve at the Town and County level in the same capacity, then we should address that legislatively separately. That's not the issue before us.

P.O. CARACAPPA:

Okay. You still have the floor, Rick.

LEG. MONTANO:

Yeah, if I may, and I'm going to be brief. It just seems to me that, number one, what I think we're getting at is who's going to appoint someone to this Planning Board, and it seems to me that the County Executive does have the right to select the person, there's nothing improper in the resolution, so we really are playing politics with respect to this particular individual, who I understand is in the audience, and nothing more than that. And I don't think that we should really take the debate out of the level with respect to whether or not this individual is qualified. Yes, we have someone that's serving on the Planning Board, but his term has expired, and if the County Exec ••

LEG. CARACCILOLO:

So have others.

MR. MONTANO:

I understand that. And if the County Executive decides to replace a member, that is his prerogative. Now, you know, I'm one that feels that if someone's term expires, we should jump on those appointments right away and we shouldn't have holdovers on a number of commissions. And, you know, it's sort of like when my term expires, I wouldn't want to show up the next day and say, "Well, I'm here," for whatever technical reasons. I mean, there was a situation in the senate.

D.P.O. CARPENTER:

They have term limits, you can't do that.

MR. MONTANO:

Well, no. There was a situation in the Senate where they didn't seek someone until after January, because they couldn't get the votes counted. The old Senator didn't show up and say, "I want to cast a vote until you finish the count." You know, it's a stretch, but the bottom line is we are playing politics with this and we really shouldn't. I mean, I think we should move this. Whatever issues with the other appointments and the Planning Board, we should address those separately, and maybe you should, you know, come up with some recommendations and

try and get that through, whether it be through the media, but not to hold up the appointment at this stage. I think that's unfortunate . I don't think we need to do that.

P.O. CARACAPPA:

Okay, thank you. Just before I go on to the next speaker, that clock up there, just so you know, is an hour slow, it hasn't been turned forward yet, so it is •• it is ten to twelve. Keep that in mind. Legislator Nowick.

LEG. NOWICK:

Yeah. I just have a question, that •• the position, the at•large position, does that have the same type of voting power as the other position?

P.O. CARACAPPA:

Yes.

LEG. NOWICK:

So, there is no difference, it's just the wording "at large".

P.O. CARACAPPA:

It's just the position.

LEG. NOWICK:

So, then I would have to respectfully disagree with Legislator Montano. We do have somebody sitting there, he works, he goes to meetings, he works for free. God knows why anybody in this County would want to volunteer for anything that we have, because we badger them so much. But be that as it may, this gentleman is sitting there doing his job. I would have to say he is Legislator Caracciolo's constituent, he is well within his right to fight for this man, and I will have to support him on this.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'll be quite brief. Just a minor correction. Although there's been a vacancy in East Hampton since 2000, there was a •• the former Planning Director, Mr. Thomas Thorsen, has remained in

that seat. In fact, when I was Supervisor and asked to submit a name for that seat, rather than picking somebody new, I felt that Mr. Thorsen was quite qualified and continued to serve until quite recently.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

I think the important point to go back to is collegiality. We have •• and members all want that in their own districts. Members want a little extra leeway when it comes to buying land in their district, when it comes to their constituents in different positions, in different appointed positions. Everyone, Republican and Democrat, sitting here wants that bit of respect from Legislators when it comes to people that represent their areas.

Legislator Caracciolo's basically saying to this Legislature, in his area, there is someone sitting there who he supports. I think he'd like to see that the Supervisor himself would put the name in and just reappoint him, because he's doing a good job, unless someone here says that the person sitting there is doing a bad job, who has a problem with him, that he's been an obstructionist, a problem on the Planning Board, I don't hear anything about that. I didn't hear anything negative about the person sitting there. So, what we should do is support the Legislator, as all would want to be supported, from the area who says, "The person there I'd like to see reappointed and I'd like to see them continue in that position," and enhance his voice by putting Mr. Taldone on, because •• who is also qualified, and put him in in an at•large position. So, basically, we would be supporting the Legislator from the area, continue the voice that's currently on there, we would •• maybe that would push the issue with the Supervisor, so they understand that Legislators have a lot of say in who should be in a Planning Board. And, by the way, Republican and Democrat alike would like that say. We should help this Legislator have that say on this board. And if we do that, I think that would come back to all of us. We should support •• we should support him today, and in doing that, the important point is we're not changing the number of votes, we're not changing the quorum, we don't change a thing by asking for

Mr. Taldone and waiting for him to be put in as an at•large, because there's someone sitting there now, voting now, counts for a quorum now, and so we should support our own in this body and that should be Republican or Democrat.

P.O. CARACAPPA:

Okay. We're going ••

LEG. CARACCIOLO:

Move the motion.

P.O. CARACAPPA:

That's what I want to do. There's a motion and second to table.

LEG. FOLEY:

Roll call.

P.O. CARACAPPA:

You heard it, Henry.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Pass.

LEG. BINDER:

Yes to table.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes to table.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No to table.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

No to table.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

(No response).

MR. BARTON:

Carpenter.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Jay didn't vote.

LEG. VILORIA • FISHER:

He was saying "um".

LEG. SCHNEIDERMAN:

Oh, I was still thinking about it. No to table.

MR. BARTON:

What's that?

LEG. SCHNEIDERMAN:

Yes to table. Yes to table. Yes, yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

Okay, it's tabled.

HEALTH AND HUMAN SERVICES

Health and Human Services. **1154 (Approving the reappointment of Augustus G. Mantia as a member of the Suffolk County Human Right Commission).** Motion by Legislator Montano, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1165 (Approving the appointment of Gary R. Mar as a member of the Suffolk County Human Rights Commission). Gary Mar. I have it in my notes that he was asked to appear today. Did anyone ask Mr. Mar to appear?

D.P.O. CARPENTER:

Actually, Mr. Chairman, we did not. He did appear before the committee, although it wasn't the appropriate committee.

P.O. CARACAPPA:

Right.

D.P.O. CARPENTER:

But I just felt, again, since it's a volunteer, to bring him down again would be ••

P.O. CARACAPPA:

Okay.

D.P.O. CARPENTER:

•• not necessary.

P.O. CARACAPPA:

Just so you know, there was a mistake from myself in the placement of these bills. They should have been in Public Safety, and they have been in the past and they will be in the future. So, that being said, there's a motion and a second for Mr. Mar. All in favor? No?

MR. BARTON:

No.

P.O. CARACAPPA:

Myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1190 (Approving the reappointment of Daniel McGowan as a member of the Suffolk County Board of Health). Motion by Legislator ••

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

•• Foley.

LEG. O'LEARY:

Motion to table, Mr. Chair.

P.O. CARACAPPA:

Motion to table by Legislator O'Leary.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion. Here we go again.

LEG. O'LEARY:

I •• if I may.

LEG. FOLEY:

Go ahead.

LEG. O'LEARY:

My reasoning for asking for a tabling motion is that it's come to my attention that the individual is involved with HIP and they recently acquired Vytra, who was the County third party administrator for the Suffolk County Employees Medical Health Plan. And I just wanted to look into whether or not there would be a conflict inherent with that particular acquisition.

P.O. CARACAPPA:

Okay?

LEG. FOLEY:

Is that a recent •• just a quick follow•up.

P.O. CARACAPPA:

Yeah, sure, Legislator Foley.

LEG. FOLEY:

This is news to this Legislator. Legislator O'Leary, it just happened with ••

LEG. O'LEARY:

This came to my attention yesterday.

LEG. FOLEY:

Okay.

LEG. O'LEARY:

And as a result of that, I think it's appropriate to table it just to look into whether or not this is

factual.

LEG. FOLEY:

Mr. McGowan is an outstanding member of the Board of Health, but Legislator O'Leary has raised a pertinent point that certainly should be looked at prior to our approval. I will •• I'll go along with the tabling motion. I just want it on the record, though, that he has been and continues to be an outstanding member of that particular Board of Health.

LEG. O'LEARY:

I don't disagree with that assessment, but in light of the information that's come to our attention with respect •• with respect to the acquisition of Vytra by HIP ••

LEG. FOLEY:

I had hoped •• just if I may finish the thought. I had hoped, as the sponsor of the bill, that •• I'm glad you're bringing it to our attention, Legislator O'Leary, but whoever brought it to your attention, I'd hope that those individuals would have also had spoken with me about that as the Chair of the •• as the sponsor of the bill.

P.O. CARACAPPA:

Okay. There's a motion and a second to table. All in favor? Opposed?

LEG. TONNA:

I've got to be recognized.

P.O. CARACAPPA:

Abstentions? Legislator Tonna abstains.

LEG. TONNA:

Yeah, but I just ••

P.O. CARACAPPA:

On the motion.

LEG. TONNA:

Yeah. On Counsel recommendation, right, Mea? After discussion with our Counsel, I have to

abstain on this resolution.

P.O. CARACAPPA:

Very good.

MR. BARTON:

17, 1 abstention.

P.O. CARACAPPA:

Thank you. ***1247 (Accepting a donation from the Family Service League to the Department of Health Services, John J. Foley Skilled Nursing Facility).*** Motion by myself, second by ••

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1265 (Accepting and appropriating 76.9% Federal grant funds from the New York State Division of Criminal Justice Services to the Department of Health Services, Division of Medical, Legal Investigations and Forensic Sciences for the Paul Coverdell National Forensic Sciences Improvement Act). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1268, 68A (Appropriating funds in connection with the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132)).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

MR. MONTANO:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

(Not Present)

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. FOLEY:

Yes. I said yes before.

LEG. MONTANO:

Yes.

MR. BARTON:

Foley, yes. Thank you. 18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1273, 73A (Appropriating funds in connection with the purchase of equipment for the John J. Foley Skilled Nursing Facility (CP 4041)).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

The vote that was reported from committee, five yes, are they two no or two abstains?

LEG. NOWICK:

Two no.

P.O. CARACAPPA:

Two no.

LEG. ALDEN:

Okay. Is there •• was there a reason why these two, the last resolution and this one, didn't come out as unanimous? This would indicate that some kind of evidence was discovered in the committee that two people, two members of that committee voted no.

P.O. CARACAPPA:

Legislator Tonna, as the Chair of the committee and one of the "no" votes, the question is why it didn't come out unanimously.

LEG. TONNA:

Which one?

LEG. ALDEN:

1273.

P.O. CARACAPPA:

1273.

LEG. TONNA:

Bonding resolution? Foley •• to tell you quite honestly, I think something •• there was a question. What can I tell you, I don't remember.

P.O. CARACAPPA:

Okay. That's good enough. That's good enough for me.

LEG. TONNA:

I know there was •• I mean, you know.

P.O. CARACAPPA:

All right.

LEG. TONNA:

I remember there was an issue •• I remember there was an issue, a question about the

equipment, or something like that, had nothing to do where Legislator Foley's father. But, anyway •• and I just don't remember the actual individual issue.

LEG. LINDSAY:

Good answer.

P.O. CARACAPPA:

That works.

LEG. BISHOP:

He's a senior and doesn't have to go to class.

LEG. O'LEARY:

I think it •• through the Chair.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. TONNA:

Twelve years you start to lose brain cells. And, you know, that's why you're term limited here.

LEG. O'LEARY:

Being on that committee, it's my recollection, Legislator Tonna, that I don't think you were present.

LEG. TONNA:

Oh, maybe that's it. No, I was present, I was present at all the votes for this.

LEG. O'LEARY:

No, I don't think you were.

P.O. CARACAPPA:

All right.

LEG. O'LEARY:

I think you and Legislator Montano were not.

P.O. CARACAPPA:

That's probably the rationale. Okay. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass until I find out if I was there or not.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

I abstained, so I'm going to abstain here.

MS. PASTORE:

No. I mean, you were opposed.

LEG. TONNA:

I opposed, so I'm going to oppose. I'm going to stay consistent with my vote and find out later

why.

MR. BARTON:

17•1 for consistency.

LEG. O'LEARY:

So, you were present?

LEG. TONNA:

I was present.

LEG. O'LEARY:

All right. I stand corrected.

LEG. TONNA:

I'm the Chairman of the committee, how could I call the vote without being there?

P.O. CARACAPPA:

It was one opposition. That's •• 17, right?

MR. BARTON:

17.

P.O. CARACAPPA:

1274, 74A (Appropriating funds in connection with the improvements at the John J. Foley Skilled Nursing Facility (CP 4057)). Same motion, same second. Roll call.

MR. BARTON:

Legislators O'Leary.

LEG. O'LEARY:

On 1274?

MR. BARTON:

1274.

(Roll Called by Mr. Barton, Clerk).

LEG. O'LEARY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Okay?

MR. BARTON:

Yes, 18 on the bond.

P.O. CARACAPPA:

Okay, thank you. Same motion, same second, same vote on the companion resolution.

1317, 17A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the Water Quality Model • Phase IV (CP #8237).

LEG. VILORIA • FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Viloría•Fisher, second by Legislator Losquadro. On the motion, Legislator Alden.

LEG. ALDEN:

Brief explanation, what we're doing with this, maybe from the Chairman.

P.O. CARACAPPA:

Counsel.

LEG. ALDEN:

Or Legislative Counsel.

MS. KNAPP:

This is •• this County Executive resolution appropriates money for the water quality model. The total cost of the project is \$700,000, with 300,000 coming from the Water Authority. And there was reference in the resolution to a previously appropriated 200,000 •• no, I'm sorry. Previously in the Capital Program, there was a hundred thousand.

And I had actually a question about the numbers at the committee, which was answered, I believe, satisfactorily by Mr. Jones from the Water Authority, because it didn't •• the numbers didn't add up, but he pointed out to me that there was another, I think, hundred thousand dollars coming from another source. But this is to redo the water quality model.

LEG. ALDEN:

The water quality model is what?

MS. KNAPP:

I wish Mr. Jones were still here, because he probably would be able to give you the technical explanation much better than I do, but I believe that it's the •• it's the document by which the hydrogeological zones and recommendations are made.

LEG. ALDEN:

You mean for clean up or for tapping for drinking water, for what purpose?

MS. KNAPP:

I am going to, I think, refrain from speculating further, because I'm not sure if I'm mixing up the 208 model with this water quality model, and I don't see anybody here with a better knowledge of it. If you remember, the 208 study was the one that originally developed the hydrogeological zones that the Health Department relies on for Article 6 enforcement.

LEG. ALDEN:

Right.

MS. KNAPP:

And I'm not sure if this is updating that. But I would •• as I say, rather than speak incorrectly ••

LEG. ALDEN:

Through the Chair, could ••

P.O. CARACAPPA:

Sure.

LEG. ALDEN:

•• Legislator Foley answer?

LEG. FOLEY:

Yeah. Thank you, Mr. Chairman. Counsel is absolutely right, this really is •• Well, it's more than an update, but lack of a better description, we can call an update of that ground•breaking study, the 208 study that has been the model, if you will, for similar studies throughout the country. So, the Water Authority, as purveyors and I would say protectors of the public water,

drinking water in the County, they wish to undertake a comprehensive update of that particular study.

Much has occurred in the intervening decades since the 208 study was issued, and it just makes a great deal of sense, both from a public policy point of view, as well as a regulatory point of view, to have an updated model, if you will, in order to make some determinations about the next 20 years as •• next 30 years as the 208 study, whereas the foundation under which a number of regulatory actions and legislative actions were undertaken based upon the 208 study. So, this is to be the next iteration of that study.

LEG. ALDEN:

Almost •• through the Chair.

LEG. VILORIA • FISHER:

Mr. Chair.

LEG. ALDEN:

Through the Chair.

P.O. CARACAPPA:

Legislator Alden still has the floor.

LEG. ALDEN:

One other question. Legislator Foley.

LEG. FOLEY:

Yes.

LEG. ALDEN:

Would this be beneficial to us if we're looking at extending sewer districts and things of that nature?

LEG. FOLEY:

That's an excellent question. You know, I would •• not that I would hazard a guess, but I know

that under the 208 study, certainly that concern was part of the overall model, although sewerage is more of an issue I think of surface water contamination, particularly in the Great South Bay. But, certainly, to answer it this way, I'm sure that would not be left out of the model. Whether that's one of the primary study areas, I couldn't answer that. But knowing the Water Authority as I do, I'm sure that's something that would be part and parcel of the overall review that they would undertake with this new model. Thank you.

P.O. CARACAPPA:

Legislator Vilorio • Fisher.

LEG. VILORIA • FISHER:

And, Legislator Alden, further to that, as we look at the TDR program and look at sending and receiving areas, I think the models come into play in those studies as well to see where we have the more sensitive areas, you know, with •• and their impact on our water quality. So, this model is really critical as a tool for a lot of different planning, planning programs.

LEG. ALDEN:

Good. Thank you.

P.O. CARACAPPA:

Thank you. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. TONNA:

(Not Present)

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

PARKS AND CULTURAL AFFAIRS

All right. Parks and Cultural Affairs. I'm going to do "same motion, same second" on most of these. So, motion by myself, second by Legislator Lindsay on ***1142 (Authorizing use of Blydenburgh • Weld House at Blydenburgh County Park by Suffolk County Archaeological Association)***. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1248 (Applying for a grant from New York State Department of Environmental Conservation for a Habitat/Access Stamp Funding Program grant for construction of a fishing pier at Smith Point County Park). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1249 (Authorizing use of various Suffolk County Parks for Environmental Educational Programs by Seatuck Environmental Association). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1250 (Authorizing use of Blydenburgh County Park by Habitat for Humanity of Suffolk for their Annual Housewalk Fundraiser). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1251 (Authorizing use of Indian Island County Park by the Arthritis Foundation for its Arthritis Walk Fundraiser). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

52 (1252 • Authorizing use of Blydenburgh County park by the Care Center for its annual Walk for Life Fundraiser). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

60 (1260 • Authorizing Cultural Affairs agreements funding for 2005). Motion •• motion by myself, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1296 (Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company, for "Help Us Save You Program"). Same motion •• motion by Legislator O'Leary, rather, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1311 (Accepting donation of two (2) Global Electric Motor Cars for use by the Suffolk County Parks Department). Motion by Legislator Losquadro, second by Legislator Kennedy •

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

•• and Vilorina•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1337 was already approved. Congratulations again, Dr. Moran.

DISCHARGED BY PETITION

Discharged by Petition. ***1261 (Authorizing use of two baseball fields at Lake Ronkonkoma County Park by National Junior Baseball League).*** Motion by Legislator Alden and Schneiderman. All in favor? Opposed?

LEG. ALDEN:

Just on the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Later on I'm going to be asking permission of the County •• of the Presiding Officer, and I'm going to be making a motion to lay on the table some correcting resolutions.

I just want to point out to my fellow Legislators, in these three that we're going to be taking up right now, there's a provision that would require the little leagues to give the full lists and rosters to the Commissioner of our Parks Department, name, address and phone numbers. Unfortunately, you know, there's a couple of bad things that can happen there.

We took up some issues about identity theft and things like that, and how important it is to protect our identities and constituents. This, if there's a pedophile out there, would give them perfect opportunity to go to a ball game, identify one of the players, because usually the names are on their back. They can go and FOIL this information from the Department of Parks and have access. Other people could have access to these children. And to protect their identity, I believe that that's an improper thing to be in these resolutions.

We brought it up at Parks. We had asked the County Executive to correct it, he indicated he was not going to correct it. But I feel very concerned for the kid's identities and to protect them and their families, that that's information that really should not be to the public.

Now, it was brought up that there's a possibility that in the event of a lawsuit, well, these little leagues have to maintain their own records, so in the event of a lawsuit, the little leagues, number one, identify and hold us harmless. So, if they go through that insurance or that program and they actually get to Suffolk County, we could discover the name of a kid, and if they weren't on the field at the time they said they were, or they weren't a member of the team, that would be something in the lawsuit that we could establish.

So, we really don't need this information, and I think it's improper for the County of Suffolk to

maintain information about kids' names, addresses and phone numbers that can be discovered by the public.

So, later on, I'm going to be asking the Presiding Officer to call a vote on waiving the rules and laying on the table four resolutions. One would establish a County policy against gathering that type of information about kids, and three other ones would be specific to these resolutions that would basically correct what I feel is almost a fatal flaw in there. And one resolution actually doesn't even mention little league fields, and I think it's this one that we're considering right now, so I think that I address that in these other.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Legislator Viloria • Fisher.

LEG. VILORIA • FISHER:

I just have a point of inquiry of Counsel. Mea, is it •• with that information be FOILable information, private information that's gathered by the County on individuals?

MS. KNAPP:

Any document is presumed to be FOILable that's held by the County. There are exemptions to the Freedom of Information Law. There is a general exemption for information that they consider to be too personal, but I'm •• I, quite frankly, would be surprised if a basic name, address and telephone number were held to be exempt from FOIL.

LEG. VILORIA • FISHER:

Okay, thank you.

P.O. CARACAPPA:

Okay. I think it's the right way to go to approve these today, so that leagues and the children can get on the fields and play, and then we'll deal with the technical aspects of it at another time. So, 1261, there's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1262 (Authorizing use of baseball field at Raynor Beach County Park by St. Joseph C.Y.O.). Motion by Legislator Alden, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1263 (Authorizing use of camping activity fields at Cedar Point County Park by East Hampton Little League). Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. CARACAPPA:

Public Safety, Public Information. ***1123 (To establish an alternative to incarceration website to keep all stakeholders in the County Criminal Justice System apprised of these programs).*** Motion by Legislator Bishop.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1266 (Amending the 2005 Operating Budget in connection with twenty (20) new Deputy Sheriff I positions in the Sheriff's Office). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1267 (Amending 2005 Operating Budget in connection with forty (40) new Correction Officer I positions in the Sheriff's Office). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1279, 79A (Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP #3135)). Motion by myself, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

MR. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Tonna. 17, 1 not present on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1280, 80A**
(Appropriating funds in connection with the replacement of laser measuring equipment (CP #3505). Motion by Legislator Carpenter, second by Legislator Mystal. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Tonna. Mr. Bishop, I missed your vote.

LEG. BISHOP:

Yes.

MR. BARTON:

Thank you. 17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. 12 •• **1305, 1305A**
(Appropriating funds in connection with the replacement of the equipment shelter at the Mount Misery Radio Tower site (CP 3203). Motion by Legislator Carpenter, second by Legislator Bishop. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

Tonna. 17, 1 not present on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1312,1312A**

(Appropriating funds in connection with the repowering of police patrol boats/diesel engine purchase (CP #3198). Motion by Legislator Carpenter, second by Legislator O'Leary.

Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Tonna. 17, 1 not present on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

PUBLIC WORKS AND PUBLIC TRANSPORTATION

P.O. CARACAPPA:

Public Works, Transportation. ***2299 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 63 Peconic Avenue, at Peconic River (CP 8240).*** Motion by Legislator O'Leary, second by Legislator Losquadro.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

To the Chairman. These next couple are water remediation, basically. What type of technology are they using, or are these just the old style vaults?

LEG. BINDER:

A mix. There's a mix of just catch basins, vaults and filtration systems.

LEG. ALDEN:

But some do include filtration, or all of them include the filtration?

LEG. BINDER:

No, I don't think all of them do. There's a mixture, and I think the engineering on it really made the difference. In the case of the one in Huntington, I actually had asked for them to look at the filtration, and they looked, they relooked at it and added that to this, to the program at the same cost of what was in it. But for anyone in their area, I would just suggest, even after we pass it today, look at the program that's in your area and see if they would look at it or relook at it if it doesn't have some kind of filtration.

LEG. ALDEN:

I should just ask my colleagues or just to note that as we go through these, 2303 is one that's in my district, but I've been working on this for three years. I did one down on Montauk Highway that's actually going in within the next month. This was supposed to be stage two of it, and I'm not sure if this resolution includes the type of technology that was supposed to be included in it, which would be the filtration. So, this one, when we get to it, I'm going ask for it to be tabled. The other ones don't seem to be a problem with that.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Maybe Legislator Bishop would like to chime in on this, but it goes back to a resolution that we cosponsored last year to put filtration systems in all of the County storm drains that •• along the South Shore that emptied into the Great South Bay. So, if ••

LEG. BISHOP:

Everywhere.

LEG. LINDSAY:

Was it everywhere?

LEG. BISHOP:

Long Island Sound and Peconic Bay as well.

LEG. LINDSAY:

Okay. So I think that might be the key. If it just goes into a sump, it probably doesn't have

the filtration system, but if it goes into the bay, it should have the filtration system.

LEG. ALDEN:

This goes into a creek that goes into the bay, so I ••

LEG. LINDSAY:

It should have it.

LEG. ALDEN:

And I was surprised to see this resolution pop in, because we were supposed to do the one on Montauk Highway first and then this one on Union Boulevard second. But, you know, I would just appreciate to table it for one cycle so I can look and see.

LEG. BISHOP:

Certainly. You know what, I'll talk to you after.

P.O. CARACAPPA:

Okay? There's a motion to table 2299?

LEG. ALDEN:

No, no. Motion to approve.

P.O. CARACAPPA:

Okay. I thought I just heard you say table for one cycle.

LEG. ALDEN:

When we get to 2303.

P.O. CARACAPPA:

Oh, okay. **2299**, there's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2300 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 80 Montauk Highway, at Oceanview Road (CP 8240). Motion by Legislator Binder, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Is this the one?

LEG. ALDEN:

No.

P.O. CARACAPPA:

03, okay. ***2301 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR A Center Drive South at Little Peconic River CP 40).*** Motion by Legislator Binder, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2302 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 96 Great East Neck Road at Evergreen Street (CP 8240). Motion by Legislator Binder, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2303 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 50 Union Boulevard at Champlins Creek (CP 8240). Motion to table by Legislator Alden for one cycle, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2304 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 35 at Huntington Harbor (CP 8240). Motion by Legislator Binder, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1136 (Approving maps and authorizing the acquisition of lands together with Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties to be acquired for improvements on C.R. 80, Montauk Highway, vicinity of NYS Rt. 1 12 to vicinity of C.R. 101, Sills Road, Phase II at Town of Brookhaven, Suffolk County, New York (C.P. 5534 Phase II).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1144 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with 65 Maxess Road (HU•1479).

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Binder, second by Legislator Cooper. All in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Abstentions?

LEG. CARACCILO:

Same here on opposed.

P.O. CARACAPPA:

Two oppositions.

MR. BARTON:

16•2.

P.O. CARACAPPA:

1145 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with 60 Baylis Road Altana, Inc. (HU•1482).

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Binder, second by Legislator Cooper. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

Two oppositions.

MR. BARTON:

16•2.

P.O. CARACAPPA:

1161 (Amending the 2005 Operating Budget and accepting and appropriating an approximate 35% grant from the New York State Research and Development Authority (NYSERDA) regarding in pipe sewage treatment at Sewer District Nos. 18 •Hauppauge Industrial and 20•William Floyd and authorizing execution of agreements for the research project). Motion by Legislator Binder, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1180 (Authorizing use of appropriated Capital Funds in connection with the replacement of sewer facility maintenance equipment (CP 8164)). Motion by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1181 (Amending the 2005 Adopted Operating Budget and appropriating funds in connection with the purchase of sewer facility maintenance equipment (CP 8164).

Motion by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1189, 1189A (Appropriating funds in connection with planning for the construction of the Fourth Precinct (C.P. 3184). Motion by Legislator Nowick.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. NOWICK:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1193 (Reappointing Cliff Hymowitz as a member of the Suffolk County Transportation Advisory Board). Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions? (Vote: 18)

1222 (Directing the Suffolk County Sewer Agency to prepare maps, plans, reports and make recommendations in accordance with Article 5•A to form a sewer district at Country Pointe in the Town of Smithtown). Motion by Legislator Kennedy, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1263 (1264 • Amending Resolution No. 734•2004 in connection with making certain findings and determinations upon a proposal to form Suffolk County Sewer District No. 2 • Tallmadge Woods in the Town of Brookhaven). Motion by Legislator Losquadro, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

LEG. LINDSAY:

You said 63.

P.O. CARACAPPA:

I'm sorry.

MR. BARTON:

18.

P.O. CARACAPPA:

64 that was. **1269, 69A** (*Appropriating funds in connection with the reconstruction of culverts (CP #5371)*). Motion by Legislator Binder, second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1270 (Transferring Assessment Stabilization Reserve Funds to the Capital Fund,

amending the 2005 Operating Budget, amending the 2005 Capital Budget and Program, and appropriating additional funds for reconstruction of Suffolk County Sewer District No. 1 • Port Jefferson (CP 8169). Motion by Legislator Binder, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1271, 71A (Appropriating funds for engineering services in connection with safety improvements at various intersections (CP #3301). Motion by Legislator Binder, second by Legislator Montano. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1276, 76A (Appropriating funds in connection with the replacement of dredge support equipment). Motion by Legislator O'Leary, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1301 (Authorizing planning steps for the acquisition of land for the reconstruction of Sewer District 18 • Hauppauge Industrial, Town of Smithtown (SCTM No. 0800 •181.00•02.00•007.000). Motion by Legislator Nowick, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1318 (Transferring Escrow Account Funds to the Capital Fund, amending the 2005 Capital Budget and program, and appropriating design and construction funds for improvements to the Suffolk County Sewer District No. 14 • Parkland (CP #8118). Motion by Legislator Bishop, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1319 (Transferring Escrow Account Funds to the Capital Fund, amending the 2005 Capital Budget and program, and appropriating design and construction funds for sewer system improvements to the Suffolk County Sewer District No. 14 • Parkland (CP #8151). Motion by Legislator Binder, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1320 (Transferring Escrow Account Funds to the Capital Fund, amending the 2005 Capital Budget and program, and appropriating design and construction funds for improvements to the Suffolk County Sewer District No. 10 • Stony Brook (CP #8175).

Motion by Legislator Binder, second by Legislator Vilorio•Fisher. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1321 (Amending the 2005 Capital Budget and program and appropriating funds in connection with storm water remediation construction and improvements at southeast intersection of Lake Shore Drive and Lake Terrance in Lake Ronkonkoma, Town of Brookhaven (CP 8710.312). Motion by Legislator Kennedy, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1322 (To set public hearing for amendment to Bay Shore Ferry, Inc. License). Motion by myself, second by Legislator ••

LEG. LINDSAY:

I thought they had a bond.

P.O. CARACAPPA:

Which one.

LEG. LINDSAY:

We didn't have a bond, 21.

P.O. CARACAPPA:

1321?

LEG. LINDSAY:

Yeah.

P.O. CARACAPPA:

It should have a bond.

LEG. LINDSAY:

Yeah.

P.O. CARACAPPA:

It doesn't •• well, it didn't •• it's not on my ••

MS. PASTORE:

It's an amended copy.

P.O. CARACAPPA:

It's pay•as•you•go. The title is incorrect. **1322**, motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1334 (Appropriating funds in connection with strengthening and improving County roads (CP 5014)).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Oh, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

WAYS AND MEANS

Ways and Means. **2328 (Creating a Geographical Information Systems Committee).**

Motion by Legislator Kennedy, second by Legislator Carpenter.

LEG. LINDSAY:

On the motion.

P.O. CARACAPPA:

On the motion. I knew this was coming.

LEG. MYSTAL:

On the motion.

LEG. LINDSAY:

The point of this motion is something that we debated all last year in a similar resolution, and the County Executive has appointed a committee that's working on this. He says there isn't a need for this legislation anymore.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, yes. As I have tried to go ahead and work with the administration over the last five months since this bill has been introduced, I'm aware that the Executive, when it was issued, that there are some steps that have been taking place in order to formulate some of the GIS, but the concept, if you will, with this legislation will allow for a county-wide GIS initiative to be brought to bear.

As members around this horseshoe know, I came from County Clerk's Office and spent eight years working on implementing similar type of technology with LAN record system. GIS actually is a natural overlay to the LAN records. And the County Clerk's portion, as well as the County Treasurer's portion, are critical to the success of any GIS initiative, both within the County for all of our pertinent departments, as well as efforts to go ahead and make this a viable positive product out there in the commercial application.

I have met with the administration, I've met with administration representatives. I've

embraced all of the encouragement and comments from my colleagues to go forth and try to build consensus on this. And, at this time, I just feel that it's important for the success of the overall initiative to move it.

So, I would ask my colleagues to consider that, yes, in fact, I believe for success here for the County of Suffolk, the legislation is critical to put a legal framework in place, especially for us as a Legislative body to continue to be able to go ahead and approve policy decisions that might be brought forward by the committee and for us to go ahead and appropriately fund and support grant initiatives and other items that this body does in order to make this initiative succeed. So, I would respectfully disagree that there's no need, and, in fact, would assert I believe there's a great need for this piece of legislation to be in place for us to succeed.

P.O. CARACAPPA:

Okay.

LEG. TONNA:

Let's vote.

P.O. CARACAPPA:

All in favor? Opposed?

LEG. LINDSAY:

Opposed.

LEG. MYSTAL:

Roll call.

P.O. CARACAPPA:

Roll call. Do we need a roll call? Just raise your hands. Legislator Vitoria•Fisher, Foley, Lindsay, Montano, Bishop.

LEG. BISHOP:

I'm an abstention.

P.O. CARACAPPA:

An abstention from Legislator Bishop.

LEG. MYSTAL:

Abstain.

P.O. CARACAPPA:

Abstention, Legislator Mystal.

LEG. COOPER:

Abstention.

P.O. CARACAPPA:

And an abstention, Legislator ••

MR. MONTANO:

Abstention.

P.O. CARACAPPA:

Abstention, Legislator Montano as well, with Cooper and Mystal and Bishop.

LEG. TONNA:

Congratulations.

LEG. LINDSAY:

Mr. Chairman, before we adjourn ••

LEG. TONNA:

No, no, I got ••

P.O. CARACAPPA:

We're not going to adjourn just yet. We got ••

LEG. LINDSAY:

Oh, I'm sorry.

P.O. CARACAPPA:

We got plenty ••

MR. BARTON:

11.

P.O. CARACAPPA:

It's approved. ***1137 (Establishing a Yaphank Center Development Review Committee).***

Motion by Legislator O'Leary.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Losquadro. All in favor?

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator O'Leary •• Foley.

LEG. O'LEARY:

Put me on the list, please.

LEG. FOLEY:

I'll be supportive of the resolution. What I wanted to mention, since I wasn't on Ways and Means, about two years ago, there was a resolution that I had sponsored, which was approved unanimously, for a planning study to be done at both the Yaphank Center, as well as the North County Complex, in essence, a master plan. DPW has had that particular responsibility since the resolution was approved almost two years ago and they still have not submitted the results. They have not still followed up on what we had approved. But if this helps in that

regard to move the process forward for a •• basically, for a planning study or a plan for the utilization of the land in the Yaphank Center area, then I'm supportive of the bill.

P.O. CARACAPPA:

Okay. All ••

LEG. VILORIA • FISHER:

No, I ••

P.O. CARACAPPA:

Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

I have one question about it, Mr. Chair, and perhaps the sponsor could answer that question. Peter.

LEG. O'LEARY:

Yes, sure.

LEG. VILORIA • FISHER:

Is this an advisory committee, or does it have any weight of requirement that its recommendations be followed?

LEG. O'LEARY:

There is a provision in the proposal that the recommendations of the committee shall be looked at and considered by the final arbiter on the matter. So, yes, in answer to your question, there is •• there is a reference to a report to be submitted, which shall be taken under consideration.

P.O. CARACAPPA:

But I think Legislator Vilorina • Fisher's point is it's not the final word.

LEG. O'LEARY:

No, it's not.

P.O. CARACAPPA:

It's advisory in nature.

LEG. VILORIA • FISHER:

It's advisory in ••

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Okay.

LEG. VILORIA • FISHER:

It's an advisory capacity.

LEG. O'LEARY:

But there is a provision which would require the recommendation of the committee to be looked at.

P.O. CARACAPPA:

Looked at, not ••

LEG. O'LEARY:

Not to be ignored.

P.O. CARACAPPA:

Not •• looked at, not ignored, but not implemented.

LEG. O'LEARY:

Not necessarily adhered •• to be adhered to.

P.O. CARACAPPA:

Okay. Clear?

LEG. O'LEARY:

May I make a comment on this before the vote, just an off•hand comment, and I understand we have some time constraints. I just wanted to let my colleagues know that this particular resolution is a blend, if you will, of the County Executive's Executive Order regarding these properties and my proposal to have a Task Force put together with community involvement. The County Executive's Executive Order did not involve the community, my Task Force does and appoints ten people to look at the feasibility of the land utilization of this particular property. It's over 400 acres in the Yaphank area.

P.O. CARACAPPA:

Legislator •• Legislator Lindsay.

LEG. LINDSAY:

Yeah, and I know we're against time constraints.

P.O. CARACAPPA:

Well, before you go, I'd ask an extra ten minutes and we can get the rest of the agenda done and lay •• get these discharges out as well.

LEG. ALDEN:

A motion.

P.O. CARACAPPA:

No, we don't need a motion, I just ask if you're willing to go an extra ten minutes.

(Affirmative Response From Legislators)

P.O. CARACAPPA:

Very good. So, Legislator Lindsay.

[SUBSTITUTION OF STENOGRAPHER • DONNA CATALANO]

LEG. LINDSAY:

I'm not opposed to a community group advising on this really huge project in terms of economic development and affordable housing in our community, you know, I think the

community should have input into it. But I think it had to be crystal clear that they don't have veto power over something that we want to put on County property, because I think it's a very dangerous precedent if that isn't crystal clear. And I'd really like to hear from Counsel if that's clear in the resolution.

MS. KNAPP:

What the resolution says in the 13th Resolved is that the •• sorry. The report will be utilized in formulating the RFP or the request for expressions of interest. I think the word "utilized" implies that it will be used in some fashion. I don't believe that the word "utilize" requires that the recommendations be followed. But they have to be acknowledged, they have to be incorporated into the RFP in some fashion.

P.O. CARACAPPA:

Okay. Legislator Mystal, did you have anything further?

LEG. MYSTAL:

That was my question to the sponsor of the resolution, is it possible that maybe we can do something about that piece, because it gives me problems when I think some civic association in some way is going to make the decision as to what we're going to put there.

LEG. O'LEARY:

Don't be mislead to think that the civic association is the final word in this matter. They are involved in the process, they do not have the final word. I think that's very clear.

LEG. MYSTAL:

What I'm asking is, is there some way if you want to table this for one cycle and reword that ••

LEG. O'LEARY:

No. I do not wish to table this for one cycle. I have had extensive conversations with representatives of the Executive Office. And I don't want to name them, but they are individuals who are clearly involved in the decision making process within the administration, and they totally agree and concur with the language in this resolution.

P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1196 (Authorizing transfer of surplus medical equipment and supplies to Muriel Gordon Foundation). Motion by Legislator Montano, seconded by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1224, (authorizing the County Clerk to file an application for additional State Mortgage Tax Reimbursement). Motion by myself.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Seconded by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1292, (authorizing waiver of interest and penalties for property tax for Randy Kromol). Motion by Legislator Tonna, seconded by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1307, (approving the appointment of Michael E. Diffley to Detective Lieutenant in the Suffolk County Police Department).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, seconded by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1308, (approving the appointment of James P. Murphy to the Detective Sergeant in the Suffolk County Police Department).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

I'd like to reconsider Resolution **1273, (appropriating funds in connection with the purchase of equipment for the John J. Foley Skilled Nursing Facility).** That's the one that I didn't know about.

P.O. CARACAPPA:

You can't, you're on the prevailing side.

LEG. ALDEN:

Motion to reconsider.

LEG. TONNA:

Legislator Alden is making a motion to reconsider.

P.O. CARACAPPA:

Legislator Alden is going to make a motion to reconsider.

LEG. TONNA:

And I ask somebody else just make the motion so I can explain why.

LEG. COOPER:

I'll second the motion.

LEG. TONNA:

Thank you. Legislator Montano and I ••

P.O. CARACAPPA:

Hold on, I have to finalize. There's a motion and a second.

LEG. FOLEY:

The resolution number again, please.

LEG. TONNA:

1273.

P.O. CARACAPPA:

To reconsider 1273. That was the John J. Foley one?

LEG. TONNA:

Yes. The reason why is ••

P.O. CARACAPPA:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. TONNA:

I thank my colleagues. The reason is because we're bonding this for \$85,000 when this should be pay•as•you•go money. And both this and the resolution before, Legislator Montano and I, in committee even though we say, yeah, we should get the equipment, we should do things, but let's do the right funding sources. Why are we paying really the price and a half other 20 years, whatever it is with serial whatever bond? Maybe, Jim, you can give the financial impact. But when you have •• that's why we have pay•as•you•go money. And this County Executive for some reason doesn't want to use pay•as•you•go money. I'll tell you the reason why. Because pay•as•you•go money is real money that you can balance a budget with and do other things with. I'm sure that Legislator Bishop will support me on this, because he was the brain child behind the whole idea of pay•as•you•go, especially for small budget items like this, \$85,000. We have tons of money in pay•as•you•go, and the funding sources are just •• these are not correct. This is not good government.

P.O. CARACAPPA:

Okay. There's a motion by Legislator Tonna, seconded by Legislator Alden to table 1273. All in favor?

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. We had some discussions of these two in resolutions in committee, and there are two points that were raised; one, we as a body have supported a resolution to waive the provisions of pay•as•you•go because on an item by item basis, based upon not only

on the budget, but the issue of continuing burden of unfunded mandates that are placed upon our •• on our Operating Budget, for that reason we had waived, as we've done in the last several years, waived •• passed a waiver provision for pay•as•you•go to utilize capital monies; secondly, this is not a 20 year bond. It's my recollection because of the small amount of money that it might be at most •• and Jim can chime in on this •• it's a five year bond. The interest is, to use the former director's terminology, is de minimus to the overall cost of the monies that would be appropriated. So because we have waived the provisions in this year as we did prior years ••

LEG. TONNA:

No, we didn't.

LEG. FOLEY:

Let me finish. Secondly, because the interest •• it's a five year bond. The interest is such a small amount of money. For those reasons, the majority of the committee did support the resolution as submitted by the County Executive.

LEG. TONNA:

Just on the motion. I don't know of us waiving. I know we had waived it in years passed. We spent like drunk sailors the last year, give us a break. We did not •• we were flushed with money, okay? We did not need to •• we do not need to bond this money. We have pay•as•you•go money, that's why we put it in the budget. Eighteen people, we had pretty good •• you know, pretty good agreement on pay•as•you•go. This is what it should be used for. Five years •• I understand Legislator Foley's right, it's a five year not a 20 year. De minimus or not, why should we spend any money? That's what you have pay•as•you•go money for.

I'd ask my colleagues to think. This is a precedent setting thing. We have a County Executive who, you know, I think the world of in certain area and stuff like that, but in this aren't we •• aren't we using pay•as•you•go? You know, I don't want pay•as•you•go •• Legislator Bishop, when •• years ago when he worked so hard on this whole concept, the whole idea was not to use it as something to gap a budget, okay? It wasn't a budget gimmick used to be able to balance a budget at the end of the year. It was used to save the taxpayers money where we can. And maybe it's dollars instead of hundreds of dollars, or thousands of dollars, or thousands of dollars instead of million of dollars, but all I can say is \$85,000 on this one and

the other one, use it as pay•as•you•go, that's what it should be. Let's table this and get it right.

P.O. CARACAPPA:

Legislator Alden, quickly.

LEG. ALDEN:

Even though these are very small amounts, every time we go and bond things, it's added to the amount that we have out there that's bonded, and we're going to get ourselves in trouble. We have major types of projects coming down that are going to need these bonding dollars. This is not the proper place for them.

P.O. CARACAPPA:

Legislator Foley, final word.

LEG. FOLEY:

Final word. When you look at the backup, we're speaking of total interest of \$9997. It's amazing that once again we're debating a bill of that small amount when we've passed resolutions of tens of million with an area of debate. This is a small amount of money. We have done this before. And also, we've done this, through the Chair, because of the continuing burden, increasing burden, of mandates from the state and also the Federal Government. All of us would love to use pay•as•you•go in every •• in every occasion. The fact of the matter is we still are working under the burdens of unfunded mandates from the state and the feds. With that said, we need to have some flexibility within our Operating Budget. We did waive the pay •as•you•go provisions earlier in the year. And considering this is less than \$10,000 of interest, less than that, that's the reason why the majority of the Health Committee approved it out of committee.

P.O. CARACAPPA:

Okay. It's all been said. There's a motion and a second to table. All in favor? Opposed?

LEG. FOLEY:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Foley.

MR. BARTON:

17.

LEG. TONNA:

I then would ask ••

P.O. CARACAPPA:

Legislator Alden makes a motion to reconsider Resolutions 1274, second by myself ••

LEG. TONNA:

No. No. 1268.

P.O. CARACAPPA:

1268, (appropriating funds in connection with the purchase of equipment for Medical, Legal Investigations and Forensic Sciences). My apologies.

LEG. O'LEARY:

Henry, I'm opposed to the tabling motion for the record.

P.O. CARACAPPA:

Seconded by Legislator Tonna. All in favor? Opposed? Abstentions? It is now before us.

Motion by Legislator Tonna to table 1268, seconded by Legislator Alden. All in favor?

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion again.

LEG. FOLEY:

No. On the motion, Mr. Chairman. This is to purchase equipment, not just for medical, but for legal investigations in forensic sciences.

LEG. TONNA:

Perfect. Exactly.

LEG. FOLEY:

We cannot •• it's for \$225,000. We cannot ••

P.O. CARACAPPA:

It's for one cycle, Brian.

LEG. TONNA:

Let's get the right funding source. Now it's \$20,000. We have already a full time position.

LEG. FOLEY:

Please don't interrupt me, Legislator Tonna, you will have your chance. The Medical Examiner's Office wants to move forward with this as quickly as possibly. I oppose the tabling, especially when it's going to be at least a month's time if not a month and a half before we meet again. I would hope that we can leave this in as we had approved it out of committee, the majority of the committee also approved this bill out of committee.

P.O. CARACAPPA:

Okay. We have a motion and a second. All in favor? Opposed?

LEG. O'LEARY:

Opposed.

P.O. CARACAPPA:

Opposed just raise your hands. Opposed to table, O'Leary, Foley, Mystal, Binder and Cooper.

MR. BARTON:

13.

P.O. CARACAPPA:

13. It's tabled. Sense Resolutions real quick, ladies and gentlemen. **Sense 5, (Sense of the**

Legislature resolution in opposition of the elimination of the Federal tax deductibility of state and local taxes). It's been amended. They have removed the words, "pertaining to the President." There's a motion by Legislator Cooper, seconded by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 6, (Sense of the Legislature resolution to request that New York State lower the blood alcohol level for driving while intoxicated in Suffolk County to 0.07). Motion to table by Legislator •• by myself, seconded by Legislator Bishop. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 16, (Sense of the Legislature resolution in support of securing states' rights with regard to the siting of proposed energy supply projects). Motion by?

LEG. COOPER:

Motion to approve.

P.O. CARACAPPA:

Motion by Legislator Cooper, seconded by Legislator Foley. All those in favor? Opposed? Abstentions?

LEG. BINDER:

Abstain.

MR. BARTON:

17, one abstention.

P.O. CARACAPPA:

Sense 17, (Sense of the Legislature resolution requesting that the New York State Department of Transportation review the environment impact statement for the proposed outlet center in Deer Park). Motion by Legislator Binder. All those in favor? Opposed? Abstentions? Opposed, Legislator Lindsay.

MR. BARTON:

17, one.

P.O. CARACAPPA:

Sense 18, (Sense of the Legislature resolution to increase penalties for the unlawful sale of law enforcement insignia and equipment). Motion by myself, seconded by Legislator O'Leary. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 19, (Sense of the Legislature resolution in opposition to reductions in Federal Clean water Act Section 319 Nonpoint Source Management Program funds). Motion by Legislator Losquadro, seconded by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 20, (Sense of the Legislature resolution requesting the New York State Legislature to enact a tough Anti•Gang Law). Motion by Legislator Losquadro, seconded by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 21, (memorializing resolution in support of Assembly Bill No. A03731 which establishes an ATV Trail Development, Maintenance and Enforcement Fund). Motion by Legislator Caracciolo, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 22, (memorializing resolution in support of Assembly Bill No. A04137, which establishes an ATV Trail Development, Maintenance and Enforcement Fund). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 23, (memorializing resolution requesting the Federal Government to enact the Breast Cancer Patient Protection act). Motion by Legislator Kennedy, seconded by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA,

Sense 24, (Sense of the Legislature in opposition to high density residential use of the state property located at Kings Park). Motion by Legislator Nowick, second by Legislator Caracciolo. All in favor? Opposed?

LEG. MONTANO:

Abstention.

P.O. CARACAPPA:

One abstention on that.

LEG. COOPER:

Mr. Chair.

MR. BARTON:

Who was the abstention?

P.O. CARACAPPA:

Legislator Montano. There's a motion to discharge by Legislator Mystal for the purposes of aging •• 16, two abstentions.

P.O. CARACAPPA:

•• **1106**, seconded by Legislator Bishop. All in favor? Opposed? Abstentions? That's discharged. We'll deal with it later.

MR. BARTON:

18.

P.O. CARACAPPA:

1286, there's a motion by Legislator Cooper. It's planning steps. To discharge.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Seconded by Legislator Binder. All in favor? Opposed? Abstentions? We'll deal with it later.

MR. BARTON:

18.

P.O. CARACAPPA:

1092, motion to discharge by Legislator Cooper, seconded by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Which one is that?

P.O. CARACAPPA:

Green power.

LEG. SCHNEIDERMAN:

Fine. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Motion by Legislator •• **1185**, motion by Legislator Lindsay, seconded by Legislator Montano to discharge 1185. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

We are going to break for lunch. CN and those bills will be dealt with later and other business. We will be back at 2:30 for public hearing. We are recessed until 2:30.

[THE MEETING WAS RECESSED AT 12:46 P.M. AND RESUMED AT 2:30 P.M.]

[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]

P.O. CARACAPPA:

Okay. Good afternoon, everyone. We're going to start the public hearings. Mr. Clerk.

MR. BARTON:

Yes, Mr. Chairman.

P.O. CARACAPPA:

The affidavits of publication, they're in proper order?

MR. BARTON:

Yes, they are.

P.O. CARACAPPA:

Thank you. We'll go right to the first public hearing.

2128 • Authorization of alteration of rates for Davis Park Ferry. I have no cards on this. Anyone wishing to be heard?

LEG. ALDEN:

Motion to close.

P.O. CARACAPPA:

I don't believe we can yet. Can we •• I don't know if the •• Kevin's coming in now. I have to ask him the question. Kevin, is the report •• is this ready to be recessed? Can we close it?

MR. DUFFY:

Davis Park, recessed.

P.O. CARACAPPA:

It can be, okay. Motion to recess by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public hearing on 2128 is recessed.

I.R. 1071 • Approving rates established for Fire Island Water Taxi. I have no cards. Anyone wishing to be heard? Motion to recess by myself, second by Legislator O'Leary. All in favor? Opposed? Kevin, I'm sorry, go right ahead.

MR. DUFFY:

If you wish to, that public hearing can be closed ••

P.O. CARACAPPA:

That one ••

MR. DUFFY:

•• because the report has been issued.

P.O. CARACAPPA:

Oh, that one can be, okay. So ••

D.P.O. CARPENTER:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Carpenter, second by myself. All in favor? Opposed?

Abstentions? Okay.

1073 • Consent to the acquisition of additional land at Mt. Pleasant Road, Town of Smithtown, County of Suffolk, State of New York, by the Roman Catholic Church of St. Patrick at Smithtown for cemetery expansion purposes. We have several cards. First speaker is Andrew Marulis. Andrew Marulis, you're up.

MR. MARULIS:

Right here.

P.O. CARACAPPA:

Yes. Just make sure that microphone's on. There's a button on top, pull it towards you.

MR. MARULIS:

Hello.

P.O. CARACAPPA:

There you go.

MR. MARULIS:

Okay.

P.O. CARACAPPA:

Thank you.

MR. MARULIS:

I just wanted to speak on behalf of the cemetery proposal to expand their land. I'm in contract to purchase a new home, which backs up to this land. And I've brought together the original map plan of the community, which showed a 25-foot buffer between my property line and the property line of Saint Patrick's Church cemetery. I also have photos, which it's kind of confusing for me today to •• what the hearing is about is a future expansion. I have photos showing the cemetery had already expanded and already is burying new plots in this property. And I was here today to hopefully get that explained to me on how they went ahead and started creating new plots on this land without acquiring this property yet.

So, that's basically why I'm here. And I have a map which shows I was supposed to have a 25-foot buffer by the builder. There is five or six new graves in that land as of now. I have other photos of what it looked and what it looks like now, and I'm here today to try and get some answers as to what's going on.

P.O. CARACAPPA:

What were the specific questions, sir?

MR. MARULIS:

Specific question is, if the land is not purchased yet, how are bodies or new plots getting buried in this land?

MS. KNAPP:

To the second question, I do not have an answer, obviously, as to, you know, whether or not there are bodies buried there or why.

To the first question, the fact that they have been deeded the land, and I'm not sure whether this was by will or by purchase, but the process that they're going through now is to get the County approval that would allow them to expand the cemetery onto that land. It doesn't give them the approval to actually buy the land.

MR. MARULIS:

So, if they don't have any County approval at this point, how is •• this is my property line and here's a burial eight feet from my property line on property they do not own or have the approval on yet. This is very confusing to me on how this is all happening.

MS. KNAPP:

The only thing I could say to you, sir, is that I could put you in touch with the actual people who are representing the church in this and they may be able to have some more specific answers for you.

MR. MARULIS:

Okay.

P.O. CARACAPPA:

Well, there's more cards. Sir, did you fill out two cards? Are you Andrew P?

MR. MARULIS:

Yes. We weren't sure. I can pretty much handle for both of the cards.

P.O. CARACAPPA:

Okay. Have you spoken to the cemetery operators ••

MR. MARULIS:

No.

P.O. CARACAPPA:

•• as of yet?

MR. MARULIS:

No. If anybody's here that can answer.

P.O. CARACAPPA:

By way of the operation of ••

MR. ANDREW P. MARULIS:

I have a card.

P.O. CARACAPPA:

No, sir, you can't just talk out from the crowd. Did you fill out a card?

MR. ANDREW P. MARULIS:

Yes, I'm Andrew P.

P.O. CARACAPPA:

Oh, you are Andrew P., okay, so you're next. Okay, thank you. Andrew P. Marulis.

MR. ANDREW P. MARULIS:

Good afternoon. I also purchased a home in Yellow Top Farms. I had approached the cemetery workers approximately five weeks ago when they started digging the graves on that lot, and the information they relayed to me was that Mr. DiCanio was going to donate that property to Saint Patrick's Church, and at a future date, which is today, that they were going to file for a permit or whatever necessary action to purchase the property. At that point, I questioned them as how they can go ahead and start burying bodies on property that they don't own.

And we have perspectives, along with the map, that Andrew, Jr. brought up to you showing you that it's supposed to be a 25-foot easement and that property was not supposed to be used for graves. So, they went ahead without purchasing this property. Even if it was dedicated or donated to them, they had no right to go ahead and start putting graves in there without acquiring the property first and going through the proper channels to get this approved.

Now, as far as Church representatives, I have not spoken to them. All I spoke was people that go there on a daily basis to maintain the cemetery and they were the ones that responded to my questions, and I was instructed to attend this hearing if I had any further questions by those workers.

LEG. NOWICK:

Joe, if I may.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

I had no idea that they were already using that property and using that for burials already, but if •• this is what I will do. If I can get your names and your addresses, I will talk to the owners and find out how they have the right to do that before the public hearing, because, certainly, you have the right to know that.

MR. ANDREW P. MARULIS:

Well, actually, we have 17 homeowners that are willing •• that they already signed that we don't have with us today.

LEG. NOWICK:

And when you say "homeowners", are you in the future •• are you there already ••

MR. ANDREW P. MARULIS:

No, we were ••

LEG. NOWICK:

•• or are you talking about the future DiCanio ••

MR. ANDREW P. MARULIS:

We were supposed to close on these homes back in December.

LEG. NOWICK:

And that's not going to happen for awhile, from what I hear.

MR. ANDREW P. MARULIS:

Well, actually, what's happening is we have a meeting Wednesday evening at the Water Mill Inn with the builder, and supposedly with the Town of Smithtown not approving it as a condominium association ••

LEG. NOWICK:

Right.

MR. ANDREW P. MARULIS:

•• it's going through as single family homes.

LEG. NOWICK:

Yes.

MR. ANDREW P. MARULIS:

And all of our attorneys and our banks have been notified that we have scheduled closings the first week of May.

LEG. NOWICK:

Okay, fine. So, you're not living there yet, you are property owners, but you're •• so, what I'm going to do is if you can give me your names and addresses, I will talk to the owner of the property, of the cemetery, and find out how it is their right to already start doing this.

MR. ANDREW P. MARULIS:

Right. And we have photos showing that, that •• and as of today ••

LEG. NOWICK:

Okay.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Yes.

P.O. CARACAPPA:

Just so you know, the attorney for Saint Patrick's Church is here, he's the next speaker.

LEG. NOWICK:

Well, then that would be one way to ••

P.O. CARACAPPA:

And so he said he's available for questions. So, if you want to take a seat and we'll have the •• him up ••

MR. ANDREW P. MARULIS:

Very good.

P.O. CARACAPPA:

Kevin McDonough.

MR. MC DONOUGH:

Good afternoon.

P.O. CARACAPPA:

Good afternoon.

MR. MC DONOUGH:

Actually, I had a feeling as I heard the first two speakers that my comment about available for questions was going to be taken •• you'd take me up on that.

The short history of this is that the property was donated to the church by the Barbato Circle Trust, and it was donated, I believe, with the intention from the donor that this was going to be used as an extension of the existing cemetery.

My client had applied initially to the Smithtown Planning Board for approval to use this land as an extension of the cemetery and had been notified by letter dated June 25th, 2004 that request for a site plan exemption had been approved, and the exemption approval is for the change of use from vacant land to a cemetery.

We did know that we had to apply to Suffolk County under Real Property Law for approval to use this land as a cemetery. Initially, the attorney in my office who had contacted the Legislature's Counsel or staff counsel, the initial opinion in that discussion was that because it was an extension of an existing cemetery and not a new cemetery, that that approval requirement of the statute didn't apply. Subsequently, we were called and told that, yes, the determination was made that we did need to come to the County Legislature and get that approval and we filed a petition.

I had become aware of about a week•and•a•half•ago that the parish had started to bury bodies

in the land that we hoped to use as an extension, and I can't do anything except apologize, it was not intended. There was some miscommunication where the staff that operates the cemetery had gotten the first word about that the approval under Real Property Law was not going to be required, because it was an extension and not a new cemetery. I don't know how that disconnect happened, but that's the reason that they started using it. It wasn't intended for us to do anything in advance of the Legislature's approval.

P.O. CARACAPPA:

My question to you, I guess, would you be willing to go to the meeting they're having with the developer at the Water Mill on behalf of the church and explain all this to the residents?

MR. MC DONOUGH:

Absolutely. We'd like to be as cooperative as possible.

P.O. CARACAPPA:

So, I guess through Legislator Nowick, whose bill this is, and her staff, I guess you put them all together, so that your constituents are served here.

LEG. NOWICK:

We will certainly be in touch with you. My Aide, Ed Hogan, will talk to you, get your name and address. And so, what you're telling me is that they have been using the property, they didn't know they had to go through the County, the Church?

MR. MC DONOUGH:

At the time, they were •• the parish was still under the impression that they had an exemption from the Real Property Law that required County Legislative approval, because it was an extension and not the creation of a new cemetery.

LEG. NOWICK:

Okay. So, you will go to the meeting, we'll arrange it, and also •• well, I could only say one thing, they really will make quiet neighbors.

P.O. CARACAPPA:

Hold on.

LEG. MYSTAL:

Thank you, Lynne.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Can I •• this cemetery is in my district as well, so I'd just like to ask you a couple of basic questions. How much land is involved here in particular that we're talking about?

MR. MC DONOUGH:

I believe we're talking about a 30•foot strip.

LEG. KENNEDY:

A 30•foot strip. And is it contiguous for the whole boundary for the cemetery? This is 30 foot, that would be I guess ••

MR. MC DONOUGH:

Yes.

LEG. KENNEDY:

•• to the south?

MR. MC DONOUGH:

Yes.

LEG. KENNEDY:

And where, in fact, have the interments actually occurred in that 30•foot strip?

MR. MC DONOUGH:

That I would need to defer to the Director of Operations who is in the room. I could ask him that question or advise you after the session.

LEG. KENNEDY:

How did the grant occur? Has it actually been •• has there been a deed from the trust into the?

MR. MC DONOUGH:

Yes, that occurred well over a year ago, that we need •• we had to receive the deed before we could apply to Smithtown Planning Board for the exemption.

LEG. KENNEDY:

So, fee title is in the parish itself at this point?

MR. MC DONOUGH:

Fee title is in Saint Patrick's Parish of Smithtown.

LEG. KENNEDY:

It's stated the approval process still has to go on in order to go ahead and confirm it for its use for interment.

MR. MC DONOUGH:

Yes. And I think it goes without saying that we would hold off with any future interments until we receive the approval.

LEG. KENNEDY:

Okay. I would be interested to hear some of what comes out at that meeting as well. When the deed itself was filed, was there any covenants or restrictions associated with that, or was it just a plain quick claim over?

MR. MC DONOUGH:

We had a title insurance policy. We were not aware of any easements or restrictions. We got insurance and we intended at the time to use it as a cemetery and believed that there wasn't anything that prevented us from doing that.

LEG. KENNEDY:

That I understand. In other words, the conveyance over to the parish, I guess, was an outright conveyance, but •• so, then the trust did not put any restrictions on that conveyance ••

MR. MC DONOUGH:

No.

LEG. KENNEDY:

•• embodied in the deed itself, it was just an outright conveyance?

MR. MC DONOUGH:

It was an outright conveyance with the intention, I believe when it was donated to us, it was going to us it was going to be used for that purpose of extending the cemetery.

LEG. KENNEDY:

But there was nothing that was actually ••

MR. MC DONOUGH:

There's nothing that •• there's nothing that addresses either way in the deed.

LEG. KENNEDY:

No CNR's, nothing, okay. All right. Thank you.

P.O. CARACAPPA:

Legislator Alden, then Nowick.

LEG. ALDEN:

The 30-foot strip, now, traditionally, when somebody does a development, they might leave some type of a strip that goes around a development; is that what this land was at one time? Does this •• in other words, does it separate residential from the cemetery?

MR. MC DONOUGH:

Prior to •• the answer is I'm not certain.

LEG. ALDEN:

Well, what's on the other side of the strip? One side of it is cemetery, what's on the other side?

MR. MC DONOUGH:

I believe it was vacant land that was sold by the •• sold to a developer to develop for residential use.

LEG. ALDEN:

And how long ago was that development done?

MR. MC DONOUGH:

I don't know. I haven't been involved in the development, I was just involved in the transfer to the parish itself.

LEG. ALDEN:

Through the Chair, Legislator Nowick says she can answer it.

LEG. NOWICK:

I think the development that you're talking about was put up, probably started about six months ago, maybe a little less, and before that, I believe it was farmland. The development has been held up for awhile with some problems in the town for planning; am I correct?

MR. MC DONOUGH:

I believe so. It was vacant land.

LEG. ALDEN:

Just so you know where I'm going with this, when •• I would assume we're not going to be acting on this today, but I'm going to need an answer, because that sounds like the traditional, you know, like either •• not a reserve strip, but a barrier or some type of buffer zone.

MR. MC DONOUGH:

I was •• there was never anything that was conveyed to us that this was intended to be •• this was or was going to be in the future a setback between the existing cemetery and the proposed future development.

LEG. ALDEN:

Is it the same company that's doing the development that is convey •• or did convey the 30

•foot.

MR. MC DONOUGH:

I do not believe that the entity •• that the entity that conveyed it to us was the same entity that's developing the project.

LEG. ALDEN:

So, if at some point in the future you could come back and just explain what the origins of that 30•foot strip were and things like that.

MR. MC DONOUGH:

Sure.

LEG. ALDEN:

Thanks.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Actually, Legislator Kennedy has asked some of the questions I was going to ask. For your information, Legislator Kennedy is the Legislator in the district.

P.O. CARACAPPA:

Oh, okay.

MR. MC DONOUGH:

He mentioned that.

LEG. NOWICK:

Okay. Just so you know. And at least I know I have your number and you'll be around for questions, if I need it over the next few days.

MR. MC DONOUGH:

Absolutely. And we'll attend the hearing, answer whatever questions we can, and get back to the Legislature ••

LEG. NOWICK:

Fine. And then you can come ••

MR. MC DONOUGH:

•• with the information you requested.

LEG. NOWICK:

Okay. Come back here and then answer some questions for us.

MR. MC DONOUGH:

Yes.

LEG. NOWICK:

Thank you.

P.O. CARACAPPA:

Okay. Is there a •• I have no other cards.

LEG. NOWICK:

I'm going to recess.

P.O. CARACAPPA:

You want to recess it? Motion to recess by Legislator Nowick, second by Legislator Kennedy.

All in favor? Opposed? Abstention? Public Hearing on 1073 is recessed.

MR. MC DONOUGH:

Thank you.

P.O. CARACAPPA:

Moving on. Public Hearing regarding **1184 • A Charter Law creating Article** •• what is that

•• **XLII County Department of Environment and Energy**. I have no cards. Anyone wishing

to be heard? Okay? Is there a motion?

LEG. LINDSAY:

Close.

P.O. CARACAPPA:

Motion to close by Legislator Lindsay, second by Legislator Montano. All in favor? Opposed? Abstentions? 1184 is closed.

Moving on to ***Public Hearing regarding Resolution 1285 • A Local Law to Amend Article II of Chapter 270 of the Suffolk County Code to provide further protection under the "Crack House Law"***. I have no cards. Anyone wishing to be heard? Legislator Cooper?

LEG. COOPER:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Cooper, second by myself. All in favor? Opposed? Abstentions? Public Hearing regarding 1285 is closed.

Moving on to ***Public Hearing 1300 • A Local Law to strengthen the enforcement of penalties for substandard rental housing***. I have a series of cards, a number of cards. First speaker is Judy Pannullo.

MS. PANNULLO:

Good afternoon. I'm Judy Pannullo and I'm the Executive Director of the Suffolk Community Council, an umbrella agency of Health and Human Service Agencies. The Council deeply admires Mr. Caracappa's intentions of Resolution 1300.

P.O. CARACAPPA:

But?

MS. PANNULLO:

There are, indeed, currently many vulnerable people living in very poor conditions, as witnessed a few months back in Bay Shore. However, our concern is that this legislation will place further

discrimination on the most vulnerable population in Suffolk County. People on Social Services are already discriminated against and we worry this could potentially greatly increase the number of homelessness here in Suffolk County.

And I know that it's not the intent of the legislation, but if landlords can rent without having to go through hoops, as is being proposed in the legislation, then that landlord will most likely rent to non•Social Service recipients, negating the need to follow all the rules and regulations. And I worry that the resolution as written will not accomplish its goal of improving the housing conditions for those receiving assistance. However, I don't like to criticize and then walk away, and I'm more than willing to work with Mr. Caracappa and other signers of this resolution to find a solution that addresses all of these concerns. Thank you.

P.O. CARACAPPA:

I have some questions. I'm going to ask this question to everybody.

MS. PANNULLO:

Okay.

P.O. CARACAPPA:

Do you feel it's right that we put •• when people come to us in need of emergency housing, Social Services, that we put them in substandard conditions?

MS. PANNULLO:

Absolutely not, and I was trying to get that point across.

P.O. CARACAPPA:

Do you think we should hold those •• the renters responsible for at least living up to their end of the bargain by signing an affidavit saying that they just •• they are up to code, as they are supposed to be up to code now? As it currently exists, when we put Social Service placements in a residence, it's supposed to be up to code. Do you believe that should be the case?

MS. PANNULLO:

It should be up to code, I agree.

P.O. CARACAPPA:

Then what's the objection to this legislation?

MS. PANNULLO:

Because I'm afraid it's just going to make it too difficult for people on Social Services to get the housing that they need, that's the concern, and I think you're going to hear that from most of the other speakers as well who could probably articulate it better. But, as I said, I understand the intent, Joe, I really understand where you're coming from, but I think that there has to be another way of doing it.

P.O. CARACAPPA:

I just •• I'm supposed to ask questions ••

MS. PANNULLO:

Okay.

P.O. CARACAPPA:

•• so I'll •• Legislator Mystal.

LEG. MYSTAL:

Judy, one of the questions I have about this sort of legislation is Social Services contract with the client to place them •• or a client go and find a place, are the towns, the different towns, Babylon, Huntington, wherever, are they following their code enforcement when somebody, you know, have •• because most of those apartments, if you want to call them apartments, most of them are illegal, they don't have any permit from the town, they don't have any code enforcement from the town, and I don't Social Services notified the town. They don't notify the town that they have a client living in a particular place, so there's a move•around. My question to you is that, you know, are they following •• are the renters centers following code enforcement from the town, and that's number one. Number two, are the towns enforcing their own codes? And if they were, what would happen to that population?

MS. PANNULLO:

Well, I mean, from what we hear, and I'm sure that's the reason for the resolution, that the codes are not being followed. I mean, I'm thinking of that situation in Bay Shore on Clinton Avenue several months back, maybe it was at Christmastime in December, and so things were

clearly not up to code. And so you're suggesting, if the town were to go after them rather than Social Services or the County, that that might have an impact; is that what you're suggesting?

LEG. MYSTAL:

Yeah. I'm asking what impact would it have on that population, because if you tighten up the codes, which we all want, we would like for them to not to live in a substandard condition.

MS. PANNULLO:

Absolutely.

LEG. MYSTAL:

But if you start saying, "Okay, you need to have a permit to rent" •• "to rent that apartment that you have in your basement," then what happened to that population?

MS. PANNULLO:

Oh, okay, that's different. Yeah, okay, that's different.

P.O. CARACAPPA:

That's about a softball a question as you can get.

LEG. MYSTAL:

Yes. I'm guiding you.

P.O. CARACAPPA:

Yeah.

MS. PANNULLO:

Okay. I'm going to let others speak on this, okay? There are a lot more ••

P.O. CARACAPPA:

You should knock this one right out of the park, Judy.

MS. PANNULLO:

Got it now, got it now, Elie.

LEG. MYSTAL:

Go ahead, hit it.

MS. PANNULLO:

No. I'm going to •• I'm going to let other people who really deal more with homelessness do this.

LEG. MYSTAL:

Okay. Well ••

MS. PANNULLO:

I don't think it's fair to speak on their behalf, they're much more knowledgeable than I am. And you have a lot more cards, I just happened to have been first.

LEG. MYSTAL:

Well, whoever comes up after Judy Pannullo ••

MS. PANNULLO:

You ask them that question.

LEG. MYSTAL:

•• please, answer that question. Do you remember the question? What happened to that population if we really start, you know, tightening up on our code?

P.O. CARACAPPA:

The answer they're going to say, of course, it's going to affect the ability to place people on Social Services. See, I answered it for you and I'm the sponsor of the bill.

LEG. MYSTAL:

I know, but I also have a whole lot of people in my district that are depended on Social Services for housing.

P.O. CARACAPPA:

In my district, too.

LEG. MYSTAL:

And your district, too.

LEG. ALDEN:

Can I just add one thing?

P.O. CARACAPPA:

Sure. We've got a lot of cards, but go right ahead.

LEG. ALDEN:

Legislator Mystal, I could tell you ••

P.O. CARACAPPA:

I'm not going to debate.

LEG. ALDEN:

•• what does happen to people that live in substandard housing, because it happened in my district when I first was elected, they were burned to death. They couldn't get out, because it didn't meet the code, and there was a bunch of them burned to death.

P.O. CARACAPPA:

Okay. Well, let's get •• hear the speakers. Rick VanDyke.

MR. VAN DYKE:

Presiding Officer, members of the Legislature, ladies and gentlemen, thank you for this opportunity to speak.

You know, the health of any society can be measured by how well that society takes care of its poorest members. My name is Rick VanDyke and I am Executive Director of Family Service League, where we restore hope and rebuild lives for thousands of Suffolk County residents every year. And I am here today to applaud this legislation from the perspective that it will provide improved housing, if enacted. However ••

P.O. CARACAPPA:

However.

MR. VAN DYKE:

•• if the people who are in that housing don't have it because of imperatives that are placed upon landlords, it's really a catch 22, it's a very, very difficult situation. So, it's important to determine that the most vulnerable people amongst us, children, elderly, families, have a place to go. And with the tremendous shortage of housing in this County, especially for low income people, and I understand that Westchester as a county has approximately 33% more rental units in that county than we have in this county, so that in itself limits where we are. We believe that this legislation, as it's currently crafted, unintentionally could result in more homelessness.

For several decades Family Service League has been working with the homeless population, and we have worked very closely with the Department of Social Services, and so have a lot of other not•for•profit organizations, and, fortunately, the number of homeless families, which was at its high about a year, year•and•a•half ago, was at 550 families, with lots of kids who were homeless. We've worked with DSS in lowering that number significantly. In fact, the number is now down in the three hundreds. The number of homeless individuals has been soaring very, very dramatically. The bottom line is that there is a tremendous shortage of rental housing in Suffolk County. It is my understanding, as I indicated, that Westchester has significantly more.

As it now stands, most landlords are reluctant to rent to temporary assistance clients for a variety of reasons. Number one is they have general misperceptions about who these clients are. Number two, the limitations of New York State rental allowances fail to compete with Section 8 and fair market rents. And number three, the general nonwillingness •• there's a general nonwillingness on the part of landlords to deal with governmental agencies. They'd rather deal with an individual or with a family that has ongoing income, rather than is dependent upon public assistance.

Family Service League believes that imposing additional requirements on landlords only when they rent to families of, or individuals on temporary assistance will result in further discrimination against these individuals and families. Landlords most certainly will decide not to want to rent to temporary assistance clients. And this comes from our experience as workers

out in the field working with landlords, working with those who are housed by landlords who try to help by providing housing to low income residents in this community.

The legislation also increases the likelihood of increased evictions, and in short, a landlord would have the semiannual opportunity to break a lease with clients by simply failing to self •report. It is our understanding that the use of 143•B has proven to be an effective mechanism in working with the towns to ensure that landlords renting to temporary assistance clients maintain compliance with health and safety standards. Can I go on?

P.O. CARACAPPA:

No, you've got to sum up.

MR. VAN DYKE:

Because I have some recommendations.

P.O. CARACAPPA:

But I have a question.

MR. VAN DYKE:

Yeah.

P.O. CARACAPPA:

Currently, and I asked this question of the last speaker, currently, what's in my bill we're required to do now. Why all of a sudden the opposition? The only thing new in my bill is the need for a signed affidavit by the renter saying, "Yes, we're up to code."

MR. VAN DYKE:

Right.

P.O. CARACAPPA:

Why, why the battle now? And also, did you fight, go and fight in Nassau against the Levenson idea to •• did you guys line up and go and speak at the Legislature or at the Assessor's Office when he tried to go after the illegal housing operation in Nassau much more vigorously than

this, this bill, that basically just backs up the laws that are on the books now; did you do that?

MR. VAN DYKE:

We only cover Suffolk County.

LEG. MYSTAL:

Joe.

LEG. TONNA:

Can you put me on the list?

MR. VAN DYKE:

But I ••

P.O. CARACAPPA:

Answer my first question.

MR. VAN DYKE:

Yeah, I'd like to respond to that. You know, we are •• Family Service League is not ganging up against you. We ••

P.O. CARACAPPA:

I'm not saying you are.

MR. VAN DYKE:

Yeah. We're ••

P.O. CARACAPPA:

I'm just wondering why ••

MR. VAN DYKE:

Right, right.

P.O. CARACAPPA:

•• you never came here before until this bill was put forward that basically just says exactly

what we need to do currently. Where was the opposition in all the years past?

MR. VAN DYKE:

I think •• I think there's a lot •• a lot of things that are being done. DSS does regular housing inspections. I think that based on my experience of 38 years in this field working with people, many of whom are low income, that this bill has the potential of ending up with a whole bunch of folks out on our streets ••

P.O. CARACAPPA:

How?

MR. VAN DYKE:

•• homeless.

P.O. CARACAPPA:

How?

MR. VAN DYKE:

Because those landlords will not be able to sign those •• or don't even want to be bothered with the bureaucracy of signing those affidavits.

P.O. CARACAPPA:

So, it's the affidavit part you're objecting to.

MR. VAN DYKE:

I think that's ••

P.O. CARACAPPA:

And we should go on ••

MR. VAN DYKE:

I think that's an issue.

P.O. CARACAPPA:

And you don't mind if we break the law ••

MR. VAN DYKE:

No, I'm not ••

P.O. CARACAPPA:

•• that currently exists.

MR. VAN DYKE:

I'm not saying that we •• anybody should break the law.

P.O. CARACAPPA:

But then ••

MR. VAN DYKE:

And I said at the beginning ••

LEG. TONNA:

Can you put me on the list?

P.O. CARACAPPA:

You're on it.

MR. VAN DYKE:

•• that it's very, very important that inspections and concerted inspections continue to identify violations that can be fixed. The other thing is, is the bottom line is we simply don't have an alternative. If we had alternatives, that people were evicted if we ••

P.O. CARACAPPA:

You're on question time now.

MR. VAN DYKE:

Okay.

P.O. CARACAPPA:

Legislator Tonna, then Mystal, and then Kennedy.

LEG. TONNA:

Just maybe you could comment on this. Make a statement, and then if you can comment. From what I understand, and I want to commend the Presiding Officer, because I think what he's talking about is standards. And all you have to do is close your eyes and imagine the squalor that people live in, and the number of Legislators I know have •• I had the opportunity with Legislator Vilorio•Fisher and Legislator Nowick at one time to tour some welfare motels and to see people in squalor. And so I think that on the one hand we want to be able to set standards which says the poor should be treated equitably and fairly, and they should be in situations where they're •• you know, they're treated with dignity.

The reality, and this is what I wanted to find out, and on the affidavit part, because I've done some research, I originally was a cosponsor and then I took my name off of it, because some of the •• some of the stuff that I was hearing is that the people who basically we contract with, they're very afraid about signing an affidavit, because then they're going to be liable in a certain sense to a whole bunch of other things about the proper reporting of things, or whatever else. So, we already know that the people who are housing these people aren't maybe the most honorable people in the world, they're doing this only because of ••

P.O. CARACAPPA:

Question, question.

LEG. TONNA:

•• you know, they can do it. So, I'd like you to comment on that. I'd like to find out, is there truth to the fact that it's the actual physically filling out affidavits and setting a paper trail that frightens these people off and to be able to, you know, to do this?

MR. VAN DYKE:

That would be my projection, yes. And we had •• Family Service League had professional social workers in those motels where homeless individuals and families were being placed, and we worked with those families over time to establish goals and to get permanent housing, to get the kids back into and to find safe and sanitary housing.

Our goals are •• our goals really are the same. I just fear that the implications of imposing more regulation at this point is not necessarily the answer, and that if we could, you know, work together on a common mission, and I do think that the mission is the same, that we can •

- we can find a way to improve substandard housing and we can find a way to keep all of those individuals who are on temporary assistance in safe and sanitary housing.

LEG. TONNA:

Can I ask a question?

MR. VAN DYKE:

I do have some recommendations to make.

LEG. TONNA:

Yeah. Well, I have a question of Legal Counsel. Is there a way to craft a bill which half of it would be basically Legislator Caracappa's bill, which I happen to think is a wonderful idea, including the affidavit part? On the second part is basically to say, and if they don't comply, that the County then will find an alternative, that we're committed to an alternative, whether it be building a shelter, whatever •• whatever we have to do? In other words, that when we're asking about the standard issue and doing the push, then we're going to back it up with the other side, which is to say, okay, if we can't meet that need and these people aren't doing that, then we're going to be on the line of being able to do this, this and this. Can we •• can we do that, so that, you know •• can we put a bill like that together where one will kick off the other?

MS. KNAPP:

To the extent that a particular law or regulation of the County perhaps triggers some threshold reaction ••

LEG. TONNA:

Yeah.

MS. KNAPP:

•• then the problem that would arise, basically, in drafting a bill like that would that be, for the most part, you would have to do a budget amendment in order to provide funds for whatever it is we were proposing, and the difficulty might be that you wouldn't know when that trigger ••

LEG. TONNA:

We have tons of pay•as•you•go money that's not being spent.

MS. KNAPP:

Assuming you were working within the time period of a particular operating budget year?

LEG. TONNA:

Yeah.

MS. KNAPP:

Then I suppose that we could do something like that ••

LEG. TONNA:

If we were ••

MS. KNAPP:

•• we'd find the money.

LEG. TONNA:

If we were able to cut, or for the future, to put a budget amendment for that type of •• create a sub line, or whatever else, that basically puts a pool of money together, so that basically, if the bill that is envisioned by Legislator Caracappa, they do this study, they don't fill out their •• bang, then we have to make sure that we make up that with whatever else. Is that •• as long as we have money in the budget, we can do that, you think?

MS. KNAPP:

To the extent that, you know, we can try to implement any Legislative intent. I would point out, though, that there probably would be difficulty associated, if what you're saying is that if somebody is displaced as a result of this bill ••

LEG. TONNA:

Right.

MS. KNAPP:

I mean, it would be very difficult to ever be sure whether or not a family was displaced because the landlord didn't want to comply with this particular regulation, or whether or not, you know, a teenage child had created •• it would •• I mean, to be honest, it would be •• I don't know whether or not the Social Services Department would ever be able to compile really the kind of data you're talking about.

LEG. TONNA:

Thank you. Thank you very much.

P.O. CARACAPPA:

Legislator Tonna, could I ask you a question?

LEG. TONNA:

Sure.

P.O. CARACAPPA:

If the landlord is following the law that currently exists and the standards that currently exist through Social Services to accept Social Service recipients, and that they know by taking them they have to be up to code ••

LEG. TONNA:

Right.

P.O. CARACAPPA:

•• and that they're going to be inspected, why would there be an objection to sign an affidavit, knowing that they have to follow the law as it currently exists? We're •• am I missing something here?

LEG. TONNA:

The only thing that I would think, Legislator Caracappa, that you're missing is I think the half of it is there, the other half is there's a thousand different reasons. Nobody's ever going to admit it on the record, or whatever else, and ••

P.O. CARACAPPA:

That they turn their heads.

LEG. TONNA:

Yeah, they turn their heads and it's going to go away.

P.O. CARACAPPA:

No more.

LEG. TONNA:

And the only thing is •• the only thing is you say, "No more," but we have to find a place. So, as long as there's a bill crafted, you know, that says standards, meet them, be vociferous about them, and if not, then there's an alternative. The only problem I have is when there's no alternative. That's what I want to see. And to tell you quite honestly, I don't want to put words in your mouth, but it's the alternative part that scares you, right, it's not about standards.

MR. VAN DYKE:

Yes, absolutely.

LEG. TONNA:

I mean, you guys want standards, right?

MR. VAN DYKE:

Yes. It's the possibility that we're going to have hundreds of more children and elderly and poor families out on the streets who need to be housed. And if that argument can be spelled away realistically, then I will support this bill all the way. But, you know, we •• if that happens, then we have a serious problem ••

LEG. TONNA:

Right.

MR. VAN DYKE:

•• and it's going to cost taxpayers millions of dollars more to house the homeless. I have some recommendations at the ••

LEG. TONNA:

Somebody has to ask you a question.

MR. VAN DYKE:

•• at the end.

P.O. CARACAPPA:

Legislator Mystal. There's a long list, so anyone who's jumping on it.

LEG. MYSTAL:

I will let you answer your question. I, too, am much in favor of raising the standard of housing. My basic problem with this legislation is the fact that we are asking renters to comply to this code only for Social Services. We do not ••

P.O. CARACAPPA:

That's our purview as a County Legislature.

LEG. MYSTAL:

I know, that's our •• that's our purview. My problem is that, you know, we forget that these people are also in competition with other people who are not on Social Services. Therefore, the renter is going to say, "Forget it, I don't want to go through all that." My question to you is, and also to Counsel, to Mea, is there •• you know, Paul, I know Paul asked you a question before, is there some way we can craft legislation, I don't know if it's possible, but to require that everybody who's renting to anybody, not just Social Services, because what's going to happen to comply to this law, we can't do that. We can't do that. And my question to you, and this is the question part, if we are in competition with other people who are not on Social Services, and the landlord is faced with bureaucratic tape that they have to report to, what will be the impact on those clients that we are trying to service, and what will you do and what will the Social Services Department do with those people when they are rejected by the landlord? What is •• Legislator Tonna just proposed some kind of thing that that's not going to happen, because you know it's not going to happen. Nobody's going to put that money up.

P.O. CARACAPPA:

Is there a question there, Elie?

LEG. MYSTAL:

Yes. The question is that what do you think Social Services will do and what will happen to those people?

MR. VAN DYKE:

I think •• I think that many landlords would much rather •• my two sons have both •• they're both college educated. They've left this County because they can't afford to live here. And if I were a renter, if I had a place to rent, I would much rather rent to my sons, if I weren't their father, than to have to go through a whole bunch of red tape with a governmental agency, unless I had a heart, and, I mean, it only makes sense.

What will happen to those folks is that when they are evicted, they will be out on the street. They will have no other recourse. They will go to the Department of Social Services and they will apply for emergency housing, that's what will happen.

P.O. CARACAPPA:

Mr. VanDyke, you say a whole bunch of red tape. What red tape are you talking about in this bill. Signing your name on just a single piece of paper, affidavit, that's a whole bunch of red tape?

MR. VAN DYKE:

And I think verifying that my house or my housing unit is •• it meets all the codes and regulations. That's ••

P.O. CARACAPPA:

They do that now.

MR. VAN DYKE:

That's a legal thing.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. MYSTAL:

I want ••

LEG. KENNEDY:

Sorry.

P.O. CARACAPPA:

I'm sorry, Legislator Mystal, you still have the floor. My apologies.

LEG. MYSTAL:

The last thing I have is the fact that it's not only the fact that they have to sign a piece of paper, it's also because they are subject to penalties.

MR. VAN DYKE:

True.

LEG. MYSTAL:

Because they're looking at penalties in this bill. So, in other words, two questions, two things will happen. A, they can evict somebody easily by just not reporting; and B, if they don't follow the code, they get penalized. That's the red tape I'm talking about. I'm talking about the red tape, they're subjecting themselves to a penalty if they don't follow the rule and ••

P.O. CARACAPPA:

As they do now, as they do now.

LEG. MYSTAL:

As they do now. But, see •• but we don't have a place to put them, Joe, that's the problem. And I'm done.

P.O. CARACAPPA:

My point is, you're going to make a valid argument, make a valid argument. That's not a valid argument in my book, that's just my opinion. Legislator Kennedy.

LEG. KENNEDY:

Thank you. Mr. VanDyke.

MR. VAN DYKE:

Yes.

LEG. KENNEDY:

One piece in your testimony I guess I'd like to go to, and like my colleagues, I agree, that absolutely, positively, we, as a County, should be doing everything that we can to provide for safe housing for our Social Service recipients.

MR. VAN DYKE:

Yes.

LEG. KENNEDY:

But you made reference to 143•B under Social Services Law. I did some research on that. My question to you is can the tenants invoke those protections under Spiegel Law, or is that only reserved for the Commissioner?

MR. VAN DYKE:

I believe they can, but I'm not an attorney.

LEG. KENNEDY:

Now I'm going to boot it over to Counsel, because my own research shows that, in fact, only where the department is actually paying the stipend to the landlord can the stays on eviction be actually implemented. The tenant I do not believe has the ability to go ahead and invoke those same protections, so we don't get the kind of assistance or remedy that we need for our Social Service recipients when they are getting the grant to them and they, in turn, pay the landlord. That's my understanding.

MR. VAN DYKE:

Is that correct?

MS. KNAPP:

I believe he is correct on that.

LEG. KENNEDY:

So, having said that, then, I would say that Legislator Caracappa actually is highlighting an area where, in fact, we do have daylight in the scheme that's there now that purportedly protects.

MR. VAN DYKE:

Okay. Well, that's good, I'm glad to hear that. Again, I'm not in opposition to safe, sanitary, wonderful housing for the least amongst us, but I believe that it's very, very important that we work together to make sure that there are no negative implications for children, families and the elderly on public assistance.

P.O. CARACAPPA:

Okay. You were next, Rick. You want to wait for another speaker?

LEG. MONTANO:

Yeah.

P.O. CARACAPPA:

Okay. Then, Legislator Cooper, you had specific questions for Mr. VanDyke?

LEG. COOPER:

This is actually, I believe, more a question for Legislative Counsel. One of the concerns that I have about the resolution, although it is very well intended, is that there doesn't seem to be any differentiation between a major violation of building codes, such as a fire code violation, let's say, and a minor violation of building codes, let's say lack of a CO for a porch or a fence or something. Is there a greater fine for a major violation, or are they all treated the same, in which case I would have a problem, because there may be a landlord that's operating with the best intentions, thinks that he's in compliance with all the major codes, but he's missing a CO for a fence and he's hit with a thousand dollar fine.

MS. KNAPP:

Again, the fines are up to a thousand dollars, and to the extent that all of our fines, when they're written, is up to a thousand dollars, do leave the discretion in imposing a lesser fine. Theoretically, someone who has a very minor code violation could be subject to up to a

thousand dollar fine, but I'm not sure that in practice that it would work like that. As a matter of fact, I'm not sure that in practice, if it were pointed out to a landlord who immediately fixed whatever it is, there would be any further proceeding.

LEG. COOPER:

And then once the landlord is advised of the violation of whatever the code is, what does the resolution say, they have six months to rectify the situation, and if not ••

MS. KNAPP:

This particular local only deals with a reporting requirement. This •• all this is is the requirement that a landlord who houses a recipient of Social Services verify to the department semiannually that he's in compliance with all codes, he or she is in compliance with all codes.

LEG. COOPER:

So, the only change, then, is that it opens up the landlord to the possibility of an additional penalty of up to a thousand dollars at the discretion of the judge.

MS. KNAPP:

That's correct.

P.O. CARACAPPA:

Legislator Montano, question for counsel?

LEG. MONTANO:

Yeah.

MS. KNAPP:

And also, I mean, just in the interest of complete disclosure, it says that in addition to any other penalties that may be •• that may be applicable, he could be guilty of an unclassified misdemeanor and/or a fine of up to a thousand dollars.

LEG. COOPER:

And that's per violation, so if he's missing three CO's, let's say, it could be ••

MS. KNAPP:

Again, this is the filing requirement, as opposed to •• as opposed to whatever the substance of his housing code violations might have been. This is a separate requirement layered that says that he has to make a filing. So, theoretically, if the •• if a court were •• had him in on housing code violations, and perhaps the housing code violation wasn't clear, but it was clear that he had failed to comply with this particular section of the law, then that might be by itself an offense.

P.O. CARACAPPA:

Legislator Montano, question for Counsel.

LEG. MONTANO:

Yes. Maybe I'm not reading this right, but if the owner •• this is to Counsel. If the owner of a property signs a verified statement before a notary saying that the property is in compliance with all the codes, local, town and state, and then it's determined that he is not in compliance, would •• could filing of the statement itself be a criminal violation for filing a false instrument? And what would be the penalty for that?

MS. KNAPP:

If the District Attorney were to bring a charge like that, then that would be under the criminal law, and then it's subject to very different ••

MR. MONTANO:

More severe penalties?

MS. KNAPP:

Could be.

LEG. MONTANO:

Okay. Then my question to Mr. Van Dyke is, because you indicated earlier that landlords would not want to bother, would •• do you feel that this type of threat, that if they're, not intentionally, but even unintentionally not in compliance, would that be an impediment or a reason for a landlord not to •• to decide not to rent to anyone who is on social services, and rather go with the general market and say, "I don't want to be bothered, because I may have a problem here, and even though I don't intend and I'm not one of the bad guys, if I get into a

technical violation, may get caught up in sweep,"is that your position.

MR. VAN DYKE:

I would thing so. In addition ••

(*Applause*)

In addition, I think that, you know, with the housing shortage as it is, it's hard enough to find landlords who will rent to public assistance recipients, as it is now.

MR. MONTANO:

Thank you.

MR. VAN DYKE:

So, we'll have a big problem after that.

P.O. CARACAPPA:

Okay. Before we go •• I don't think you can violate the Penal Code unintentionally. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I know this question was answered and we want to get a response from the speaker. Instead of asking the question, I'd like to just make a point and have his response to it, if that's okay through the Chair. So, Rick, you seem to be the flash point here on the issue, so let's get into a little bit of a ••

P.O. CARACAPPA:

If you keep it a question, Brian, I'd appreciate it.

LEG. FOLEY:

Okay. Let's keep it •• let's get into a little bit of a colloquy here. When people •• when people make the point or the concern that we're hearing from a number of people in different communities, I heard this in Gordon Heights when I was at a Gordon Heights community meeting, the fact that there are homes that are not in compliance with codes, with town codes,

and I would just say, that, you know, this bill wouldn't be necessary if all the different municipalities, be they of a village or a township nature, enforce their codes, we wouldn't need to do this here.

MR. VAN DYKE:

Correct.

LEG. FOLEY:

People have asked the question, why are we focusing in on those who are Social Services. The answer is that's where we have some leverage with the issue of code enforcement. So, how would you •• how would you respond to those who raise the point, who are otherwise very progressive on a number of issues and want to help those who are in need at the same time, as I heard in Gordon Heights and other communities throughout my district, at the same time that they want to help people who are in need, they also want those homes to abide by the codes, be they of the town, village, or a county nature? How would you answer those community concerns that people have who also want to be helpful to those who are in need?

MR. VAN DYKE:

Well, I'm not a politician. However ••

LEG. FOLEY:

But you do work with people, as we do, and that's what it's ••

MR. VAN DYKE:

I work with people, and I think that it's very, very important for all of us. I mean, thank you for introducing the bill for no other reason but to have this public discussion about housing. We desperately, desperately need to provide housing for lots of people, workforce, poor, elderly, and so forth, and this provides an opportunity. I think the people in Gordon Heights, because I've been in that community and worked in that community, need to know. And it's not only in Gordon Heights, it's in most communities.

People are very, very concerned about substandard housing and substandard living conditions. And all I'm •• the only reason I'm here is to try to prevent us from rushing into something as a society that is going to hurt, hurt people. I just want to know, if we can •• if we can create a safety net, if there is any homelessness created by this bill if it passes, then let's do that, but

we have to make sure that there is that alternative.

P.O. CARACAPPA:

Okay. Legislator O'Leary.

LEG. O'LEARY:

Sir, I have a question to you. To your knowledge, how many clients, as you referred to them, have been displaced under the current ordinances and provisions that are in place?

MR. VAN DYKE:

In terms of numbers, I couldn't tell you, because we're one organization of many, and I don't think that data has been polled •• pooled.

LEG. O'LEARY:

Are you aware of any that have been displaced as a result of the ••

MR. VAN DYKE:

Yes. As a result of housing codes?

LEG. O'LEARY:

Of the noncompliance of existing ordinances.

MR. VAN DYKE:

Oh, yes, absolutely.

LEG. O'LEARY:

Yeah.

MR. VAN DYKE:

That's why we •• that's one of the reasons we have the homeless population that we have today.

LEG. O'LEARY:

So, they have been displaced as result of a landlord not being in compliance with existing

ordinances?

MR. VAN DYKE:

Correct.

LEG. O'LEARY:

Is that your statement?

MR. VAN DYKE:

Yes, correct.

LEG. O'LEARY:

And, yet, you further state that if we move this resolution, there's going to be much more displacements?

MR. VAN DYKE:

I believe so.

LEG. O'LEARY:

Because the landlords would not be in compliance with the law.

MR. VAN DYKE:

That's correct. And I'm also saying at the same time ••

LEG. O'LEARY:

So, in other words, I mean, you're not in a •• I mean, are you taking a position, and I hope you're not, that you're •• from the Family Services League, you're advocating for substandard housing?

MR. VAN DYKE:

Absolutely not.

LEG. O'LEARY:

All right. Well •• but, yet, you're stating that if we try to enforce the law, put more teeth into a resolution, that more people will be displaced people who are not •• are not abiding by the law.

MR. VAN DYKE:

What I'm saying is I think everybody should have wonderful housing ••

LEG. O'LEARY:

What are you doing now •• what are you doing now to make certain that the existing ordinances are being enforced?

MR. VAN DYKE:

We're going around. When we place a family or an individual in a rental unit, we make sure that that is a safe and sanitary place, and that the appropriate inspections by governmental entities take place, because we're very, very concerned about the safety and welfare of those we serve. And this becomes a circular argument.

What I'm saying here is we have to take a look to make sure that there's not going to be any significant homelessness, or homelessness, more homelessness are to be absorbed because of this legislation, and that there's a place for our citizens, no matter who they are, that they have a place in live in this County in decent and affordable housing.

LEG. O'LEARY:

Where I'm confused, sir, is that you're taking the position that there is an existing condition throughout this County that there are clients living in substandard housing; is that not correct?

MR. VAN DYKE:

That's correct.

LEG. O'LEARY:

Are you stating that?

MR. VAN DYKE:

Yes.

LEG. O'LEARY:

So, we are looking to address that problem.

MR. VAN DYKE:

That's correct.

LEG. O'LEARY:

By putting more teeth into a local law that obligates the landlords to create a situation where there is not so much substandard housing. How can you be opposed to that?

MR. VAN DYKE:

I'm opposed to the legislation because I think that it's rushing into something that is going to have significant implications and make things much worse. Being out in the street and living in dumpsters and abandoned buses and cars in our County parks is not the way to live in this County, and that would be much worse than living in most housing that is a little bit out of line in terms of standards.

LEG. O'LEARY:

All right. And ••

MR. VAN DYKE:

So, I'm saying let's make sure that we don't have a pipeline into the homeless stream when this •• when and if this legislation is passed.

LEG. MYSTAL:

Mr. Chair.

LEG. O'LEARY:

Oh, I'm not finished.

LEG. MYSTAL:

Mr. Chair. I just want to give you an answer.

LEG. O'LEARY:

Well, I'm not asking you the question.

LEG. MYSTAL:

I know.

P.O. CARACAPPA:

All right. Let's •• Legislator O'Leary, you have the floor.

LEG. O'LEARY:

Just one more question, sir. So, just so it's clear in my mind, you're stating that existing ordinances that are on the books that are not being enforced are creating a situation of homelessness within this County?

MR. VAN DYKE:

In many places they are being enforced, and there are places where they are not being enforced enough. One of the recommendations in my testimony would be for a County Housing Inspector to go back and reinspect at some point or some intervals after, after the initial inspection for a temporary assistance family.

LEG. O'LEARY:

Is it your position, sir, that homelessness is created as a result of nonenforcement of existing laws?

MR. VAN DYKE:

I'm not sure how to answer that question.

P.O. CARACAPPA:

Thank you. Appreciate your being the lightning rod for the questions. Okay.

LEG. MYSTAL:

Mr. Chair.

MR. VAN DYKE:

Again, I would •• I would ask you to read and take a look at and give careful consideration to the recommendations.

P.O. CARACAPPA:

Thanks.

MR. VAN DYKE:

And as Judy Pannullo indicated, many not•for•profit organizations who are working with poor people in this county stand ready to work with you and to help craft something that is really going to work for the people, and I appreciate this opportunity.

P.O. CARACAPPA:

Thank you. We have ••

LEG. MYSTAL:

Joe.

P.O. CARACAPPA:

•• a lot of cards left, Elie.

LEG. MYSTAL:

I just wanted to address ••

P.O. CARACAPPA:

It's a debate and we'll try to avoid the debate, save it for the bill.

LEG. MYSTAL:

No debate, I just want to ask him a question.

P.O. CARACAPPA:

Shanee Crespo. Shanee. Shanee.

MS. CRESPO:

Shanee.

P.O. CARACAPPA:

Shanee, sorry.

MS. CRESPO:

Hi. My name is Shanee Crespo. I'm a single mother of three. I was in the shelter recently, about a few months ago, so I went through the whole housing thing.

The big problem, I guess, that everyone's concerned about is when you're calling landlords to do it, they don't want to do it. They'll take the regular person off the street that's not going to have to really look into like serious •• I guess a serious inspection. I mean, I was •• I got a landlord that's really good. He passed everything, he stays on top of everything, but he also was leery about wanting to take public assistance on what he's heard, like, people going to destroy the place, or property damage, and just the overall way people stereotype people on public assistance. I think this is going to make it a lot harder.

I'm not trying to say that people should be placed in like housing that's horrible, but I don't •• honestly, some landlords are pretty lazy. Just even signing another piece of paper is just extra work for them to do. I mean, it is a good thing.

A year ago I worked. I've never been on public assistance before in my life. I wouldn't have took a second look at this. But going through it myself, I've made over like 600 housing calls until I finally got one call that would actually take public assistance, and I had to explain to him that things would go right.

Public assistance isn't bad. They pay them on time. He has no problems with it, nothing like that, but I don't even know if he'd want to take time just to •• I mean, he would probably sign another piece of paper, but some people won't do that. And there's a lot of my friends that are still in shelters, and housing is so scarce that people are literally fighting over housing and shelters. Shelters are overpopulated. I've had friends of mine, they sleep on floors in shelters. It's just nobody wants to take social services. Nobody wants to go through the inspections. Nobody wants to •• they think it's more than what it really is in getting inspected. The inspections are pretty simple, but they don't want to go through all the paperwork.

Basically, a lot of things. I mean, there's not enough money. Like you're in competition, landlords want more money. It's expensive to live out here. What is given, what's granted to Social Services to give us to live off of is nothing, and I don't know of •• that's not their fault, it's what they're given by, I guess, the County or State or government, or whatever, but it's not enough, so the landlord is going to take the higher amount of money and not take what we

have. I'm a little nervous.

P.O. CARACAPPA:

It's okay, take your time.

LEG. BISHOP:

You're doing very well.

P.O. CARACAPPA:

Excellent.

MS. CRESPO:

I just •• I really would want •• I mean, you guys have never been in that position, so you wouldn't really know what it's like, but to sit there and to make phone calls and have to try to explain to these landlords. When they hear "public assistance", either they're going to hang up on you or say no. This is just going to make a lot harder.

P.O. CARACAPPA:

Could I ask you a question?

MS. CRESPO:

Yeah.

P.O. CARACAPPA:

When you were •• when you found placement ••

MS. CRESPO:

Yes.

P.O. CARACAPPA:

And you're •• are you a mother, you have kids?

MS. CRESPO:

I have three kids.

P.O. CARACAPPA:

Okay. You would hope that when the government assisted you and helped you find a facility to •• a roof over your head, that it was safe and sound for your ••

MS. CRESPO:

Oh, I'm all for that.

P.O. CARACAPPA:

Okay.

MS. CRESPO:

Yeah, that's wonderful, but ••

P.O. CARACAPPA:

And if the landlord •• let's say you were there for sometime and the landlord was being neglectful, if you will, and you felt you couldn't get out of the doorway safe, or you saw the window was jammed, would you be concerned?

MS. CRESPO:

Yeah, I would •• I mean, while you're there, I mean, you could make phone calls to whoever else you need to make phone calls, like I guess the Town, like, Housing, or whatever. There's phones for •• there's numbers for you to call in case your landlord is not in compliance.

P.O. CARACAPPA:

Right.

MS. CRESPO:

They do have •• you know, Social Services does have the overall inspection to make sure it is a self •• a safe and clean place to live, and it has to be the right size for your family.

P.O. CARACAPPA:

Right.

MS. CRESPO:

It's I feel bad for the landlord that actually takes this and has to sign this, and as someone has said before, gets in trouble because maybe they didn't realize they didn't do a certain code, or maybe they didn't realize that something needed to be done and then they're penalized either by money or a criminal offense, or something that they signed this paper thinking everything's in order, but it's not in order, and that will hinder that landlord from wanting to ever rent to anybody on public assistance again.

P.O. CARACAPPA:

Thank you. Legislator Nowick, then Mystal.

(*Applause*).

LEG. NOWICK:

And you are doing very well. But I have a question. When you talk about landlords and you say sometimes they prefer not to take the Social Service client. Who then, if they didn't take the Social Service client, and you say •• you elude to paying a higher amount, who then would they have living there, if it wasn't the Social Service?

MS. CRESPO:

Just a regular person off the street that's going to pay them cash. They don't have to go through getting the inspection done and it's not •• maybe it's just the amount of time. I mean, Social Services gets the inspections pretty quick, but to have another paper signed is going to add more time on it, too.

LEG. NOWICK:

So these landlords, then, they have people, just to use the expression, knocking down their door other than Social Service people?

MS. CRESPO:

Yes. It's such a •• housing is so scarce now.

LEG. NOWICK:

So, they're giving up to have Social Service there, is that what you're saying?

MS. CRESPO:

Yes. Housing is scarce. There's a large homeless population of people that aren't even not on public assistance of just people trying to find a place to live. The competition for just finding a place to live is hard on its own, not even being on public assistance.

LEG. NOWICK:

And were you in a house or in a ••

MS. CRESPO:

I was in a shelter.

LEG. NOWICK:

You were in emergency shelter, one of the motel/hotel shelters?

MS. CRESPO:

No. I was in the Haven House in Huntington. I was in a scattered site. I mean, it was •• I had no complaints there. The first place I went was a regular shelter and ••

LEG. NOWICK:

Is the Haven House a big house and then you had a room or two in it?

MS. CRESPO:

They have two big houses, and then they have scattered sites for people that are •• like transitional house.

LEG. NOWICK:

And you were in a scattered site?

MS. CRESPO:

And like your own little apartment and stuff, because I had a, you know, bigger family. So, if you could do things on your own and you didn't need them to take you places, then they'd put you in a scattered site, because I was self•sufficient.

LEG. NOWICK:

See, the only thing I have to ask you is one question. If we don't monitor these landlords, and I have seen some of these places, along with Legislator Fisher and Legislator Tonna, and I've seen some of the places, if the •• if we, as policy•makers, do not legislate, do you ever worry, God forbid, a danger exists and your young children are in there? I mean, that's who we're protecting. That's why we have to protect •• would you agree, that ••

MS. CRESPO:

Oh, no, I agree •• I agree on the bill. I have not •• I heard everything that's being said and it's a really good thing, but I understand like certain apartments aren't legal. Like a basement apartment without windows, that makes sense, because you can't fit out of them and there's not two exits, but Social Services doesn't pass stuff like that. They're not going to pass, like, something that's like this horrendous place to live, they would never pass something like that. The only •• like the places that I've seen like people live in, it's not •• that's not up to code or anything, but maybe over the years, a person has been there for a long time, and maybe, you know, certain things weren't done one time or right away. You're giving these landlords six months to do it, and how do you know that they're going to be able to do it in six months, and then they're going to be paying more fines.

So, it's •• I understand what you're saying, and that is a wonderful thing, because I wouldn't want myself to live in a horrible place to live, but it's two opposite ends of the scale. There are places that really need this law to be passed, because there are some landlords, honestly, that are horrible.

P.O. CARACAPPA:

There you go.

MS. CRESPO:

You know what I mean? There are some slumlords out there that are horrible and don't do anything. On the other hand, there are the good landlords that may have just not did things fast enough or up to code.

LEG. NOWICK:

Well, then could I ask the sponsor a question?

P.O. CARACAPPA:

Sure.

LEG. NOWICK:

Let's assume there is a landlord that, as this young lady says, errs, not that they meant to, just like our own home, sometimes we are a little bit lax. Does this bill take into consideration at that point not to find them on the first time around? Is that ••

P.O. CARACAPPA:

Well, I couldn't answer that. You know, the law is the law. But what government should be doing and where we should take this a step further is that good landlords, as who housed this young lady, if they have a minor problem ••

LEG. NOWICK:

Absolutely.

P.O. CARACAPPA:

•• we should be fast•tracking that for them through the townships and helping them along, so they can continue to do the good work and be benevolent the way they've been, taking in Social Service recipients. And the profiteering type of landlords, the slumlords that she also spoke about, they should be punished to the full extent of the law. See, you know, you can't •• you're trying to use a broad brush against the minor infractions from the good landlords. You know, we're going to help them get through it. It's the people that take advantage of this young lady ••

LEG. NOWICK:

Absolutely.

P.O. CARACAPPA:

•• and so many other people and the system and are making money more than we can imagine, those are the ones that I'm after.

LEG. NOWICK:

We've seen it, right, Legislator Fisher? We have seen it, and that's who we're dealing with. Thank you. You've done a great job.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

You're very good. We should hire you. Question for you, it's a very simple question. Do you know if your landlord where you are living, if it's a legal or an illegal apartment?

MS. CRESPO:

Legal.

LEG. MYSTAL:

It's legal.

MS. CRESPO:

Yes.

LEG. MYSTAL:

Okay. So, you're one of the lucky ones.

MS. CRESPO:

I have a very nice. I cannot ••

LEG. MYSTAL:

A very nice apartment?

MS. CRESPO:

Yes.

LEG. MYSTAL:

My thing, too, is that most of the apartments, not •• most of the problems we're going to have, to me, it's not because they are under •• they're not enforcing the code or not up to code, because Social Services does do an inspection, a lot of times, at least in my district, in my town, most of those apartments are illegal, and that's the Code Enforcement right there, that's something that will get them into a lot of trouble, if you're illegal.

And the number two question is that, you know, if we pass this law, I think we better budget a few more inspectors for the Department of Social Services, because we're going to need them.

So, your landlord is legal. Of the 600 phone calls that you made to get someplace, do you know if anybody ever asked you questions •• did they probe you, or are you just Social Services and they said no?

MS. CRESPO:

No. They asked me about •• a lot of people just heard Social Services and I heard, "No, we're not going to be paid on time," or they're going to have •• you know, just a lot of •• most people told me it's a lot of paperwork, or they have to wait for the inspection. And while you're waiting for the inspection, I've had people in the shelters that had inspections like to go through, or whatever, it's not that long for an inspection, but some landlords really just don't want to wait, so they're like, "Forget it," and they go with a regular person. So, this paper is going to add more time like for them to do it and they're going to want to look over it and all this other stuff and make sure everything's up to •• it's more work for them, basically.

LEG. MYSTAL:

I don't think anybody's advocating substandard housing. I'm all for that bill, and contrary to what you think, Joe, I am •• I really like the bill. I just have some serious concern over the fact that what it will do to those people in my district that have to go through that system, and it's a really •• you know, and I have a lot of them. And to Mr. O'Leary, doing what you asked them before, yes, we have turned people out because of code violation. We do it all the time in the Town of Babylon, all the time, and •• that's it.

P.O. CARACAPPA:

Okay. Thank you. Thank you. You did very well. We appreciate your testimony.

MS. CRESPO:

Thank you.

(*Applause*)

P.O. CARACAPPA:

Clara Echavarria. Sorry. The only one worse than pronouncing names other than me is Paul Tonna.

MS. ECHAVARRIA:

Hi.

P.O. CARACAPPA:

That's a fact.

MS. ECHAVARRIA:

Well, thank you for letting me speak here today. My name is Clara Echavarria. I'm a single mother of three kids, also. I usually don't ever do this. This is a very important issue to me.

First of all, I am currently on public assistance and Section 8, and currently looking for a place to live. As soon as you mention public assistance, nobody wants to rent to you. I had problems forever, even before trying to find an apartment. Now that I have an apartment, it's very hard. Landlords don't want to except it only because of all the paperwork that you have to fill out. Already •• Social Services already does an inspection before you move into a place, so if it's livable •• I mean, there's a lot of people without a home. I mean, I spent four months without somewhere to stay with my three little children. I don't want to do that ever again. And this would definitely make a landlord not rent to you. Filling out more paperwork and •• it just makes everything a little bit more difficult for the landlord, which makes him think, "I'm not doing this." That's the gist of it.

I mean, there's numbers we can call. If the apartment is not up to code, Social Services will not pass it. You will not move in there. If an apartment is not up to code while you're living in there, then you have the right numbers to call. Call the Town, call the Zoning and Ordinances and they'll help you and they always to. I mean, I don't think there should be anymore laws trying to constrict what little we have.

P.O. CARACAPPA:

Thank you. Is that it? Thank you. Well done.

(*Applause*).

Sister Margaret Althisar.

MR. KOUBEK:

She had to leave.

P.O. CARACAPPA:

Had to leave. Thank you. Richard Koubek.

DR. KOUBEK:

Good afternoon. My name is Richard Koubek. I reside at 10 Randolph Drive in Dix Hills, and I'm speaking today on behalf of Catholic Charities. I appreciate this opportunity.

I had prepared remarks. I'm going to throw them out, because I think a lot of the folks who spoke before me have made the point.

I am not for substandard housing, I don't think anybody in this room is for substandard housing, you certainly are not for substandard housing.

I think there's some confusion. I have heard it in people who have called me about this bill, a reporter, others, thinking this is a bill about motels. I don't think it's a bill about motels. I think we know the motels that are ripping off the County. They're easily inspected. That's one category of housing. This is I think a sincere, well-intentioned attempt, Mr. Caracappa, Legislator Caracappa, and all of you, at getting rid of substandard housing. I think the problem is it ain't going to do it.

There's an extraordinary statement in the bill, in one of the "whereas" clauses, which refers to the diminishing numbers of governmental employees who can inspect and reinspect. It would seem to me, rather than a bill that generates, 8,000 pieces of paper, which this one is going to do, for an already overtaxed Department of Social Services to file, check, report upon, pursue, 8,000 a year, twice a year, it might be better to hire a few additional inspectors to go after those houses that emerge in communities as truly substandard.

I think the bill was driven home to me •• when I first read it, I thought, "That's a good idea. Why is the fine only a thousand dollars? Let's get them, the substandard houses." And

someone said to me, a lawyer said to me, "Could you sign this affidavit right now? Do you know that your home is in compliance? Do you?" And I remembered last summer that I had a counter top put in, I think by a certified guy in the Town of Huntington, and he said to me, "You really need to" •• "You need to replace the outlet on the backsplash." Well, that was in August and I haven't done that. And if I were a landlord and had to sign this paper, I'd probably either have to get rid of the client or sign the paper and lie. So, it's that kind ••

P.O. CARACAPPA:

Or fix the outlet.

MR. KOUBEK:

Or change the outlet. Or change the outlet.

P.O. CARACAPPA:

Yeah.

MR. KOUBEK:

But I think what we're talking about today ••

P.O. CARACAPPA:

Make it easy out of the three.

MR. KOUBEK:

True, and I admit. And I'm probably going to get fined nor for saying this, I didn't change the outlet. But I think the point is, Ladies and Gentlemen, there are lots of landlords who don't want to deal with DSS. I'm not going to repeat what you've heard. It's already a pain in the neck for a whole bunch of reasons. We needn't add another reason.

This is not just filing an affidavit, this is hoping you're correct in the affidavit. This is risking a thousand dollar fine if you don't fine the affidavit, and it's also, by the way, running down and getting it notarized each time. And these are landlords who can make a lot more money in the open market. That's the truth, you know that. We have a dreadful housing crisis here. Why would they bother with the Department of Social Services in the first place if they can go to the open market? Why make it harder? If you have landlords, and we know who they are in

Huntington, if you have them, I'm sure this is true in every town. Go after them with additional inspectors, not paperwork.

P.O. CARACAPPA:

Thank you, Doctor.

*(*Applause*)*.

Joan Noguera.

MS. NOGUERA:

Hi.

P.O. CARACAPPA:

Hi.

MS. NOGUERA:

Hi. My name is Joan Noguera and I'm the Director of the Nassau•Suffolk Coalition for the Homeless.

After having the opportunity to listen to everybody today, I just really want to make a very brief statement. I think what you're hearing today is a lot of fear, a lot of fear from the providers and for the people who are looking for housing, those who are at great risk of losing what they currently have.

Every time the coalition gets a phone call from a person who's homeless or about to be homeless, the first thing we say is, "Do you have a place? And if you do, don't leave it." We will do everything we can for you to stay where you are, because we know though that once a family goes into homelessness, the reality is that family could be there for many, many months. It is really what the market will bear, and we're hearing that. It's not that there aren't plenty of people looking for apartments, there are plenty of people looking. There aren't enough affordable, safe places for people to live on Long Island. That's been a longstanding issue and an issue that we're all grappling with here. And I think that's what you're hearing today, the fear that we will again face having hundreds of families living in motels. A motel is

no place to raise a family. It is no place for children to live. I know that Legislator Tonna has been to some of the motels and seen the conditions there. So, we're not saying that we don't want safe, affordable places for people live, we do, but we also know the reality of what happens when someone loses what they currently have.

We have families that will say, "My landlord is selling the house. I have no place to go. I've been paying \$700 a month for my two-bedroom apartment. Where can I go? Is there a place?" And you know what the reality is? There is no place. There is not a replacement, which is why we at this point are so desperate when families call, to have them stay where they are, to help them to be able to pay their rent arrears. This is really what we're talking about. The fear is that we're going to have hundreds of families back in the motels with very little services, and raising Long Island's children in motels, and that is not a place for anyone to live. It is certainly not a safe, affordable place, which I think is ultimately what we really all want.

P.O. CARACAPPA:

Absolutely.

MS. NOGUERA:

And the goal we're really all looking for here.

P.O. CARACAPPA:

That's true.

MS. NOGUERA:

That's what we have to think about, it's the fear.

P.O. CARACAPPA:

Thank you. Question.

MS. NOGUERA:

Yes.

P.O. CARACAPPA:

You said when your agency does everything they can to keep someone in the house ••

MS. NOGUERA:

Yes.

P.O. CARACAPPA:

•• or in their apartment, the dwelling, does that include making sure that it's safe and up to code and a healthy environment for the family?

MS. NOGUERA:

Well, what we would do is •• what we do is if a family calls us, the Coalition has one housing advocate for both counties. So, what we would do is if •• generally, if a family is in an unsafe condition, they will tell us, and we are certainly not going to put preventive activities if they're into an unsafe condition. That happens. They'll call and say, "I'm in a basement and I can no longer get up and down the stairs. We have plenty of that, and we will work closely with Department of Social Services and many of the other agencies sitting here to make sure that family gets a •• has a safe place to live. But if we have a family ••

P.O. CARACAPPA:

How do you make that happen through the •• you go ••

MS. NOGUERA:

Well, we have ••

P.O. CARACAPPA:

You make sure the landlord makes the appropriate changes?

MS. NOGUERA:

Well, what we would do in that case is look for alternate housing for that family, we would look to our agencies that provide housing, particularly if that family has a disability, because we've been able to bring in many millions of dollars for housing for homeless persons with disabilities.

P.O. CARACAPPA:

Do you ever encourage the landlord to make the improvements necessary?

MS. NOGUERA:

We're not really in that position to be able to have the staffing to do that, but what we do in terms of homeless prevention, it would be to help that family with a grant to •• for them to be able to stay where they are, because that's how desperate the situation is.

P.O. CARACAPPA:

Understood. Thank you.

*(*Applause*)*.

Legislator Kennedy has a question.

LEG. KENNEDY:

Yes. I'd just like to get some sense of the numbers of folks that you might be dealing with. Give me a snapshot, however you measure. Two thousand and four for Suffolk County? What did you handle, 100, 150.

MS. NOGUERA:

We probably handled in Suffolk County about 250 •• well, we get calls each day from each county.

LEG. KENNEDY:

Okay.

MS. NOGUERA:

So, that would be a general average.

LEG. KENNEDY:

But you would figure maybe 250? And is that spread equally amongst displaced families or singles, or do you have any way to judge?

MS. NOGUERA:

No, there's more •• yeah, we have a way of telling. We have all the stats for each year, so in 2004 •• we have more families looking for •• we have an increase in the number of homeless singles in Suffolk County ••

LEG. KENNEDY:

Yes.

MS. NOGUERA:

•• but we have more families looking for housing at this point in Suffolk County.

LEG. KENNEDY:

And if, in fact, they're not able to stay in a place where they're experiencing difficulty, what's the average for how long it takes before you can get them back into some kind of residential ••

MS. NOGUERA:

They could be homeless for anywhere from four, six, eight months, maybe longer.

LEG. KENNEDY:

And in that interim, where are they staying?

MS. NOGUERA:

They would stay in temporary •• they would either be in a shelter, transitional housing, or in a motel.

LEG. KENNEDY:

And you're working with them at the sites, or how are you engaged?

MS. NOGUERA:

Well, our housing advocate •• as I said, we have one person doing both counties, so our housing advocate is generally working with the agencies that are in the community. We know where all the vacancies are, so we maintain those kinds of records, and we would be advocating for that family, making phone calls, calling the Department of Social Services, helping with intervention.

LEG. KENNEDY:

And you talked about grants for people with disabilities. Are you talking about HUD grants or outright?

MS. NOGUERA:

Well, yeah. The coalition itself has brought into Suffolk County, last year it was 4.4 million dollars for •• in HUD, Housing and Urban Development grants, for homeless people with disabilities, and that's for housing and services.

LEG. KENNEDY:

Okay. Thank you.

MS. NOGUERA:

But we would also give a family a small grant if they need •• if they were behind in their rent. We would work with the other Suffolk County agencies to ••

LEG. KENNEDY:

So, you assist with the individuals and with providers as well?

MS. NOGUERA:

Yes.

LEG. KENNEDY:

Okay. Thank you.

P.O. CARACAPPA:

Thank you.

MS. NOGUERA:

Thank you.

P.O. CARACAPPA:

I'm going to mess this one up, too. Michael Wigutow?

MR. WIGUTOW:

Wigutow.

P.O. CARACAPPA:

Wigutow, close. It was close.

MR. WIGUTOW:

Yes, it was.

P.O. CARACAPPA:

Welcome. Thank you for coming.

MR. WIGUTOW:

Thank you for having me, and thank you for the opportunity to speak. My name is Michael Wigutow.

P.O. CARACAPPA:

Mr. Wigutow, just lift that microphone up. There you go. Thanks.

MR. WIGUTOW:

I'm a staff attorney with Nassau•Suffolk Law Services. I work out of the Housing Rights Project at Touro Law School, and I represent low income tenants in Landlord•Tenant Court in their efforts to maintain Section 8 occasionally. And I've prepared remarks. If everybody is patient and allows me to speak and finish them, I'd appreciate it.

I believe that this proposed resolution to improve living conditions for public assistance recipients by compelling landlords to verify compliance with local code and ordinances will simply fail to achieve this goal. And I believe there are several factors that influence this situation, including behaviors in individual landlords and tenants. But I believe that there are two primary reasons why this is so.

New York State Social Services law and State regulations authorized the Suffolk County Department of Social Services to provide shelter allowances for public assistance recipients, ranging from \$310 a month to \$610 a month •• \$611 a month. Let no one here think that these amounts are an accurate reflection of the rental costs in Suffolk. There are virtually no rental units in Suffolk County for \$358 per month, for example, the shelter grant for a family of two, \$503 per month, which is the shelter grant for a family of four, or \$586, which is the shelter grant for a family of six, yet, because these amounts are set via State regulation, the

inadequacy is equivalent to the Emporer who has no clothes.

Secondly, the supply of rental units in Suffolk County is simply insufficient to meet the demand for rental housing. Of the few apartment complexes that dot this County's landscape, virtually none of them accepts public assistance recipients. Indeed, most of these apartment complexes refuse to accept Section 8 voucher holders, who by virtue of a rental subsidy are able arguably to pay at or near the market rents that are out there.

Absent a source of income anti discrimination law, which currently exists in the State of Connecticut, the State of New Jersey, and the County of Nassau, private landlords have no legal obligation to rent to low income family. Insufficient income, no apartments, yet these people have to live somewhere and the question is where.

Suffolk County is largely a single family homeowner community. Much of the problem housing that the Legislature is concerned with and is discussing here today are single family homes converted into two or more separate apartments, often rented out by an owner who lives elsewhere. This in turn raises the hackles of neighbor and local official alike, which have resulted in an increased attention on these subdivided homes.

In the last decade or so, local governments have adopted zoning codes and ordinances to stop the conversion of single family homes into two or more apartments, further reducing the rental options for low income families, yet these families do have to live somewhere, so where?

The failure to develop affordable rental units for low income families is a major contributing factor to the subdividing of single family homes. The failure to provide for an adequate number of affordable rental units increases the number of homeless families, the number of families doubling up and being forced to live in an ever•increasing number of residential units deemed illegal.

P.O. CARACAPPA:

Mr. Wigutow, your time has expired, so I'll give you a chance to sum up, if you would.

MR. WIGUTOW:

Well, there are a couple of things that I would like an opportunity to talk about, because I think,

unfortunately, the discussion has evinced sort of a lack of a real understanding and knowledge of what's going on here. This law will harm tenants in many different ways and I'd like an opportunity, if I can, to go through this. I'll try and go through it really quickly.

P.O. CARACAPPA:

No. Just sum up. I'll give you 30 more seconds. There's a lot of cards left.

MR. WIGUTOW:

There isn't •• as has been said, there isn't a homeowner or property owner in this county who is able, likely able to swear under oath that they are in compliance with all applicable codes, ordinances and regulations of the local municipality.

The proposed resolution effectively requires landlords to self•enforce expressed by its acknowledgment that there's a lack of employees to be able to inspect. The proposed resolution effectively •• and as a result, if there aren't enough employees to monitor the conditions at these units, there certainly aren't enough employees to monitor the truthfulness, thoroughness, or accuracy of the landlords verifications every six months. Landlords will also use these verifications to rebut the statutory claim of warranty of habitability, because they will say, "Well, we verified," and this is going to cause problems for tenants in court. Not only that, if Social Services withholds rent, as this law proposes to allow to do, the tenants are responsible for payment of that rent, unlike under Social Services Law Section 143(B), and that will mean that if Social Services withholds rent because the landlord didn't verify, it is the tenants who's going to be brought to court for nonpayment, is going to face a •• not only an eviction, a money judgement, and also, if they're also on Section 8, they're going to risk the loss of their Section 8 housing. There are many different issues. I wish I had the opportunity to finish what I had written. I will give the Legislature body a copy.

P.O. CARACAPPA:

Yeah. Just submit it to the Clerk and we'll all get a copy of it.

MR. WIGUTOW:

And I don't have enough copies to go around I'd be happy ••

P.O. CARACAPPA:

We'll make copies.

MR. WIGUTOW:

•• to give the one that I have. And I'm also available to answer any questions.

P.O. CARACAPPA:

Thank you very much, appreciate your testimony.

LEG. FOLEY:

Mr. Chairman, I have one question for him.

P.O. CARACAPPA:

Go right ahead.

LEG. FOLEY:

Thank you. We would like to hear from you at length here. This issue will also be in committee. So, I could ask you, you know, are there other concerns that you wish to bring to our attention? In the past, that's been the opening for you to finish your comments. But let me ask you this, is it another ten minutes, is it another three minutes, another two minutes, because I know there are a lot of people ••

MR. WIGUTOW:

It's another page.

LEG. FOLEY:

It's another page.

LEG. ALDEN:

Yeah, that's a long time.

MR. WIGUTOW:

I can read quickly.

LEG. FOLEY:

Let me •• we can read and we will read it, but let me ask you this question.

MR. WIGUTOW:

Sure.

LEG. FOLEY:

You raised the concern about those on Social Services. We heard the fact that this would only apply, and I stand to be corrected by Counsel, but I think Counsel refined an answer to an excellent question posed by Legislator Kennedy, that this resolution could only apply to those instances where Social Services directly pays the landlord, not that ••

MR. WIGUTOW:

This particular legislation you're talking about?

LEG. FOLEY:

Right, not the client; is that •• is that my understanding, Counsel? Could you clarify the point that Legislator •• the excellent question that Legislator Kennedy had raised?

MS. KNAPP:

I don't know if Legislator Kennedy asked this exact question, but I think I'm hearing your question, is that is this only when Social Services pays directly, or does it apply when the recipient also seeks housing on their own; is that the question? And if it is, the answer is it applies in both cases.

LEG. FOLEY:

The question is •• I couched the question as I thought it was posed by Legislator Kennedy.

LEG. KENNEDY:

And let me, if I can, Mr. Chair, just enter the soliloquy, and I perhaps will invoke Counsel here •
•

LEG. FOLEY:

Yeah, colloquy, it's not a soliloquy.

LEG. KENNEDY:

•• because I have not done landlord•tenant housing. But I was making reference to 143•B of Social Services Law, which is specifically Spiegel, I believe.

MR. WIGUTOW:

The Spiegel Law •• known as the Spiegel Law.

LEG. KENNEDY:

Right, which allows for a tenant, a Social Services tenant to have a stay on an eviction predicated upon the fact that the Social Service Commissioner is making the direct payment. It is not the tenant who, in fact, is paying the landlord, but is Social Service. Commissioner of Social Service is the one who I believe only can invoke; is that correct?

MR. WIGUTOW:

But •• well, yes, that is correct, but there needs to be some further explanation.

LEG. KENNEDY:

Of course.

MR. WIGUTOW:

There are two ways that a recipient •• that Social Service •• there are two situations for a public assistance recipient, one in which Social Services gives them their grant, which they get usually twice a month, including the shelter grant, and then they are responsible for paying the landlord directly, and the other is on a restricted payment, where Social Services will take the shelter grant portion of the public assistance allowance and pay it directly to the landlord. And Social Services generally will do that in one of two circumstances. Number one, the tenant requests that they do it, or number two, there's been a history of nonpayment of rent by this particular tenant and Social Services takes it on its own. But in either case, the one thing I need to make clear, regardless of whether there's restricted payment from Social Services directly, or if it's paid directly by the landlord to the tenant, the tenant is legally liable for that payment. If Social Services withholds the rent under Social Services Law Section 143•B, there is case law in New York State that the landlord •• that's a defense in a nonpayment proceeding, and this law does not have such a defense. So, if there is a withhold by Social Services because of a failure to verify •• you can shake your head, but, in fact, it's true.

P.O. CARACAPPA:

Yes, I can shake my head.

MR. WIGUTOW:

Yes, you can, and you've done it a lot. But, in fact ••

P.O. CARACAPPA:

Because you're wrong.

MR. WIGUTOW:

•• it's true, that under this law, there is no protection for that tenant. And if there's a withhold because of a failure to verify, the landlord conceivably can go to court in a nonpayment proceeding and the tenant is liable.

LEG. KENNEDY:

Okay. At the ••

LEG. FOLEY:

I cede my time to Legislator Kennedy through the Chair, and then I'd like to reclaim it for one final question. Legislator •• I'd like to have Legislator Kennedy follow through on his questions.

LEG. KENNEDY:

I promise to make ••

LEG. FOLEY:

I think it's important, Mr. Chairman.

LEG. KENNEDY:

I promise to make it brief. Counselor, again, as I've said, I never did landlord•tenant housing law, and I guess I'm turning to you as an advocate representing Social Service recipient tenants. Who can you invoke the defense upon?

MR. WIGUTOW:

Which defense, the 143•B?

LEG. KENNEDY:

The defense of nonpayment, yes.

MR. WIGUTOW:

For 143•B.

LEG. KENNEDY:

Correct.

MR. WIGUTOW:

Against the landlord's claim for payment of rent.

LEG. KENNEDY:

Which is ••

MR. WIGUTOW:

If Social Services withholds the rent because the conditions in the unit are dangerous or hazardous ••

LEG. KENNEDY:

Yes.

MR. WIGUTOW:

•• under the interpretation, and Social Services does a withhold under Social Services •• the Spiegel Law, the landlord then would go theoretically into an eviction proceeding based on nonpayment of rent, and the tenant, who is the only party that's opposing the landlord in that particular case, can invoke Social Services withhold as a defense to nonpayment.

LEG. KENNEDY:

Okay. One more.

MR. WIGUTOW:

Successfully.

LEG. KENNEDY:

One more. That group of plaintiffs that you have is a subset of all of the plaintiffs being Social Service recipients. Not every social service recipient gets the benefit of being able to invoke this defense; is that true?

MR. WIGUTOW:

Well, they don't get the benefit, because sometimes there's •• sometimes they're in court because •• having nothing to do with the conditions, but ••

LEG. KENNEDY:

No, no, I'm talking about housing violations.

MR. WIGUTOW:

I mean, every Social Services recipient who is living in substandard conditions and has complained about substandard conditions, or has withheld rent themselves, or Social Services has withheld rent, I mean, if it's a Social Services issue ••

LEG. KENNEDY:

Okay.

MR. WIGUTOW:

It's three ••

P.O. CARACAPPA:

We are way off the point of the bill, just so you guys know. You guys are debating case law. That has nothing to do with this.

LEG. KENNEDY:

All right.

P.O. CARACAPPA:

So, I'm going to put it to an end.

MR. WIGUTOW:

I beg to differ. I think that the risks to families ••

P.O. CARACAPPA:

Thank you.

MR. WIGUTOW:

•• are great.

LEG. FOLEY:

Mr. Chairman, let me reclaim •• I have one question, Mr. Chairman.

P.O. CARACAPPA:

As long as you keep it to the bill, Brian.

LEG. FOLEY:

I will, I will. Thank you. Sir, your concern is that •• part of your concern is it focuses in on those who are on Social Services. If, in fact, there are other levels of government which would also require in all rental situations that the owner would have to verify that his or her apartment complies with all building codes, would that allay any of your concerns that this would be broadly applied ••

MR. WIGUTOW:

No, no.

LEG. FOLEY:

This is would broadly apply to all or is •• or not?

MR. WIGUTOW:

No, no. I have a problem with requiring landlords to verify, not because I care about landlords, but because, first of all, I think one of the things that has gone on here that I think, unfortunately, has led to discussion in a wrong direction is that there are no set specific standards that anybody can define easily as to whether or not conditions in a property •• there are no specific standards that apply for the most part. The New York State statute, all landlords

warrant under New York State Law that their premises are habitable, and what it means is it's fit for human habitation, that the essential services that have been contracted for are sink working, the stove working, the refrigerator working, are fine, and that all the conditions aren't •• are not unsafe, they're not dangerous to the health, welfare or safety of an individual or the family living there.

There are no specific standards. That's a case•by•case basis. There are thousands upon thousands of cases that have come out since 1979 when that law was enacted that define •• that go into what's a breach of the warranty of habitability. And so there are no specific codes that necessarily apply. Many local codes do not govern the health and safety of the family there, they focus on other issues. And to the extent that they do, they can be used, if you go to •• when a tenant calls me and says, "I have problems in the unit," what I advise them to do, "What could I do," they can withhold rent at some risk, but, if they hold on to the money, it might be okay, they can contact the local •• usually the town, but sometimes, I guess, the village, if it's incorporated, code enforcement, or building department, to come out and do an inspection. And they can also do what's called a repair and deduct in extreme situations, but that's not likely for someone on public assistance, because they don't get enough income, but • and the •• and that's what I think can go on here.

I think the Legislature is taking the right step to consider these issues, but I don't think this legislation is going to remedy the problem for these people. And if I could just conclude, this is the equivalent to me of you put down in front of a school•age child in the cafeteria spoiled food. You remove the spoiled food to give them fresh food. What you're doing here today, with all due respect, this proposal is proposing to eliminate that spoiled housing without replacing it, and this is just •• this is inadequate.

(*Applause*)

P.O. CARACAPPA:

Let me ask you a question. No, I have to •• if that •• if it was intentionally being •• if that spoiled food was intentionally being put in front of that child time and time again, wouldn't you go after the person that was making that food after awhile?

MR. WIGUTOW:

You know what I would do, I'd be ••

P.O. CARACAPPA:

I know, you'd go •• you'd cite law for another ten years.

MR. WIGUTOW:

No, no, no, no. You know what I would do ••

P.O. CARACAPPA:

You'd go after the person that was responsible.

MR. WIGUTOW:

No, no, I wouldn't go after him, because I'm not a D.A. what I would do is I would get somebody who could provide better food, i.e, I would get other housing.

(*Applause*)

P.O. CARACAPPA:

Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Joe, you're going to hate me, but I didn't understand this one part of your statement regarding the breach of warranty of habitability, where you said that the landlord could actually use his affidavit as a defense if he were ••

MR. WIGUTOW:

Not in the warranty of •• well, yes because •• and not necessarily successfully. It would depend on what the typical •• you know, the particular case was. But if a landlord is verifying that they're in compliance with all the town code and everything like that and there's this sworn statement, you can rest assured that if a tenant goes into a landlord•tenant proceeding and raises a breach of the warranty of habitability, whether they're on public assistance or not, that this landlord •• well, obviously, it would apply only for someone on public assistance, but the landlord would certainly attempt to show, "No, I didn't breach anything, and here's my verification that I've signed every six months for the last period of time. That's not going to necessarily succeed, but it certainly ••

LEG. VILORIA • FISHER:

Okay.

MR. WIGUTOW:

•• raises an issue for the judge who's not going to look at the house to determine what the conditions really are, he's listening to testimony and other evidence.

LEG. VILORIA • FISHER:

That's self-reporting affidavit you think would be •• would hold ••

MR. WIGUTOW:

I would attempt to attack it ••

LEG. VILORIA • FISHER:

Okay.

MR. WIGUTOW:

•• and I would attack it very forcefully, frankly.

LEG. VILORIA • FISHER:

Okay. I was just curious about that.

MR. WIGUTOW:

But there are many •• there are five •• one, two •• there are four attorneys in my office that represent tenants throughout Suffolk County. Most tenants go unrepresented. Will a pro se nonrepresented litigant know how to effectively challenge that verification? Possibly, but I don't know.

LEG. VILORIA • FISHER:

Okay, it's not likely. Okay, thank you.

P.O. CARACAPPA:

Thank you. Diana Arens.

(*Applause*)

MS. ARENS:

Good afternoon. I'm Diana Arens, Executive Director of Options for Community Living, Inc., and I'd like to speak on behalf of the agency. Excuse me. Options has been a provider of emergency housing in scattered sites.

LEG. VILORIA • FISHER:

Well, pull the mike closer, please. Thank you.

MS. ARENS:

We've been a provider of housing, emergency housing in scattered sites under contracts with the Suffolk County Department of Social Services for over 15 years. During that time we helped over 700 families obtain permanent housing. Each year it seemed to become more and more difficult to help the people who we serve get into housing, and the rental market has just become very competitive, as we heard many speakers today testify to. If the proposed legislation is adopted, we believe the rental process will become even more difficult.

We, too, agree that local laws should be strengthened to enforce codes, local codes and ordinances, but not at the cost of creating more barriers to housing for recipients of Social Services. If the amendment is accepted, we believe at the end of the day the families who we serve will remain in our shelters for a longer period of time and simply cost the County and the taxpayer more money unnecessarily.

The stated intent of the amendment is to respond to the notion that we don't have enough governmental employees to properly inspect and reinspect rental houses.

I can't speak to the issue of compliance, but I can speak to the issue of the safety of the rental houses for the people we serve and the people who leave us and go into permanent housing. Last year, 22 families moved out of Options' shelter program and into sites that eventually passed DSS inspections. And I say "eventually", because everything wasn't right the first time around. Repairs needed to be made, and those houses needed to be in decent condition before those 22 families moved in.

The sites that we rent from landlords and use for our families, social service families, also are

inspected. They're inspected when a new family moves in, and they're inspected •• I say, since February 2004, we've had 62 inspections from Social Services. The thing •• the kinds of things that needed to be repaired in all of these cases were things like painting, missing smoke detectors, handrails, storm doors, or installation of sheetrock over heating systems for fire protection.

I know all of this has been said before, and I think the arguments have been great. From what I'm hearing, everyone wants to see these laws strengthened, but we don't want to see them strengthened just for people who happen to receive public assistance. If we know where these substandard houses are, and I think we do, or we can find them, then we should hold the towns accountable for seeing that those codes are enforced.

P.O. CARACAPPA:

I agree.

MS. ARENS:

I don't think we should use Social Service recipients as a hammer to hit landlords over the head with ••

P.O. CARACAPPA:

No.

MS. ARENS:

•• because it just sounds too painful.

P.O. CARACAPPA:

Ma'am, just so •• we're not singling out Social Service recipients, that's the jurisdiction of the County of Suffolk. The towns have got to get on the ball, you're absolutely right, and each Legislator has been trying since they're in office to get the towns to do the right thing by way of code violations. So, don't think that this County and through this legislation we're just picking on one population, it's just that that population is what we oversee, it's our jurisdiction, that's what the bill's for. Any other questions? Thank you.

MS. ARENS:

Thank you.

P.O. CARACAPPA:

Connie Bruno.

LEG. BISHOP:

I guess we can blame you, Joe.

P.O. CARACAPPA:

Today you can blame me. You're still going to get out by five.

LEG. BISHOP:

Now, if we had pesticides in these homes.

P.O. CARACAPPA:

Pesticides in the homes, right.

MS. BRUNO:

Hi. I am Connie Bruno, Section 8 Program Director of Community Development Corporation of Long Island. I appreciate the opportunity to speak today on the proposed law to strengthen the enforcement and penalties for substandard rental housing.

As we are all aware, the stock of multi-family rental housing in Suffolk County is extremely limited. This fact of Long Island life cuts across economic lines and reflects our housing market for those who are assisted by DSS and those who receive no assistance.

Should this law pass, I am concerned that an unintended consequence will be the already limited supply of housing available to people assisted by DSS will shrink further, thereby increasing our homeless population.

We rely on a steady supply of cooperative landlords, and this is one more hurdle the landlords will have to face. This law will create a hardship for those most vulnerable. Thank you.

P.O. CARACAPPA:

Thank you for your testimony, appreciate it. Peter Barnett.

MR. BARNETT:

Peter Barnett from Wyandanch Homes and Property Development Corporation. We build and renovate houses for homeless families. We take in the families from the shelters for two to five years, help them to get educated, help them to get a good job and move out on their own. We're inspected by the town, the state, the federal government, DSS to make sure our houses are okay.

One of the ways that this problem can be solved is if the County starts building seriously more rental housing. We built 27 houses with the help of the County over the last 15 years, and we take those families out. They're in legal housing. It's all up to code. And when you're talking about code, you're talking about that they should have a legal permit. No landlord could really sign that affidavit if he doesn't have a permit from the town. So, if he doesn't have a town permit, he's in violation. So, one of the simpler ways, if you really want to push this, what you'd have to say, that the person has to have a rental permit from the town. All right? Most of the housing that takes in DSS clients do not have rental permits. Why? Because they're too expensive for the landlord.

In the town •• in most towns you can only get one family in a house. You might get a two •family subdivision, or you might get a mother/daughter. When the •• when you're only paying, a family of four pays \$503, that's the basic DSS grant. There is not a landlord in town that's going to rent his house if he's got a legal rental for \$503. With a shelter supplement, it goes up to a thousand•six. It's still not enough for most landlords. We pay in taxes over \$500 a month on each house, over \$100 a month in insurance. Repairs usually run me over 100 a month, and I have social workers that go into the house and it costs me another thousand. It costs me almost fifteen to seventeen hundred dollars a month just to run the house. And if I didn't get other grants from other agencies, I couldn't even rent to DSS clients, and I'm doing it legally, and I'm doing all the coverage.

And what this bill is about is that you need to get landlords that can afford to do this. The only way that it's going to happen, we've got to get the DHCR in here, we've got to get _HAP_ in here, we've got to get the federal grants in here, and we've got to build housing that is going to be run by not•for•profits, because they can then make sure they have the legal housing and do

it. To get in •• if we have •• 300 families, roughly, we've got in the shelter system right now. Put up 300 houses in Suffolk County, \$100,000 a piece you could put up 300 three•bedroom houses. Boom, let's solve the problem, but let's solve the problem by building the housing, legalize rental, and put in programs that are at the same time going to help the families. Right now, I am faced with this other problem.

DSS now, if a person is making \$10 an hour, and they make sixteen hundred dollars a week, DSS is stopping all rental assistance to the family. We had a family come into our house, a mother we got educated, got her up to making \$10 an hour, they pulled the plug on her and said, "We won't pay your rent." She's only making seventeen hundred. How is she going to spend \$1,000 on her rental?

P.O. CARACAPPA:

Mr. Barnett, could you just sum up your comments? Your time has expired.

MR. BARNETT:

Okay.

P.O. CARACAPPA:

Oh, thank you. Are you done?

MR. BARNETT:

Yep.

P.O. CARACAPPA:

Thanks a lot.

(*Applause*)

P.O. CARACAPPA:

Rosemary Dehlow, Dehlow.

MS. DEHLOW:

I got called just in time. Good afternoon, everyone. I am probably going to reiterate a lot of what other people are saying, but I'd like to put a little bit more of a human face on it, and I'm

following very much what Peter was going to say.

I'm the Long Island Director of Community Housing Innovations. Our mandate is to provide low and moderate income families and individuals with housing and human services that enable them to achieve the greatest social and economic independence at lowest cost to society. Pretty good, right? How do we meet our mandate? By diligently working to break down barriers that prevents low and moderate income families in achieving independence. Housing is one form of independence. It's also a very basic need, I think we'd all agree.

We are kind of a unique organization, because we follow the entire continuum of housing. We provide emergency shelter for families who are experiencing homelessness. And somebody had asked about numbers. I quickly put it together. In Suffolk County alone, we're bi-county, but in Suffolk County alone last year, we helped service about 200 homeless families, and out of those 200 families, we were able to place 75 of them into permanent housing.

We also are involved in the continuing of CARE's HUD programs. I have 12 SHP HUD grants, which is truly affordable permanent housing for families who are experiencing disability, whether it's substance abuse, mental illness, or other types of disability. So, that's permanent housing for families that would not be able to afford to live anywhere else. All we can accept is 30% of their income, which will make sense a little •• in a moment.

And the other thing that we provide is first time homeownership opportunities. We have grants from the State to help first time homeowners purchase housing, downpayment assistance. We go from emergency all the way up to homeownership, and every once in a while, very rarely, but every once in a while we're able to bring a family from stage one into homeownership. It's getting much more difficult.

We're here to talk today about family on DSS trying to find housing. What we're about is breaking down barriers, and what I think that this legislation does is create another barrier. There's barriers of poverty, poor education, leading to low skill level, which is under •employment. Our families don't have a lot of choices when it comes to where they can afford to live, particularly if they're relying on sustaining their house with the assistance of DSS. Not only are they required to find a rental unit with the strict guidelines of rent amount, which I think Peter brought up, but also they have to find a landlord who is willing to accept that DSS

payment.

And I really appreciate the constituent that talked about 600 phone calls. That's not unusual. I get housing logs from my clients. This is the housing packet that needs to be submitted for Suffolk County. There's a lot of paperwork in here and we're asking landlords to fill out and sign a lot of paper. And I'll get housing packets, there's 12 on a sheet. They have to do three a week. DSS not allowed, not, not, not •• you know, no •• doesn't accept DSS, doesn't accept DSS.

Anyway, I know I don't have much time. Prejudice abounds about our families, and the reality is supply and demand on the side of those persons who collect rent, not on those who pay rent. DSS has a system in place to assure safety for our families. They cannot move into a hazardous, unsanitary, cramped place. Finding a landlord who completes the extensive paperwork, proof of ownership, they have to prove they own this place, accepts DSS payment, accepts the standards of the DSS inspections, is willing to wait for payment of rent, a process which can take up to three weeks from start to finish. So, if my client finds someone who's willing to sign this housing packet, it make take up to three weeks, and the reality is there's such a shortage of housing, there's five other people standing right behind them, and if someone •• if my landlord is saying, "I'll accept the rent of twelve hundred dollars for that family of four," and there's someone standing behind them saying, "I'll give you thirteen hundred cash," they're going to go with that.

Our families do not have the luxury of choice. They're restricted through poverty and prejudice due to the lack of opportunity. Making those depersonalizing phone calls to brokers and landlords who treat you disrespectfully, feel the humiliation of knowing why they will not rent to your family, how do they live with that?

The final note that I want to make is that our families really have a lot of strength. I would like people to really recognize that. I have someone that is currently in one of our supportive housing programming. She •• and this is a true story, I assure you. She worked five years at Toys•R•Us as a manager. She earned \$8 an hour. She is the mother of two children. She loved her job, but let's figure it out. Now, this is all gross income. Her gross income was then thirteen•eighty•six a month. She was looking at two•bedroom apartments in the hope of getting a two bedroom apartment for thirteen hundred dollars a month. She was ineligible for the DSS shelter allowance, because she makes too much money, \$144 over the limit. But what

is she supposed to do? Yes.

P.O. CARACAPPA:

I'm just asking you to •• you're about two minutes over your time.

MS. DEHLOW:

Okay. If you have any questions, I'd be more than happy to respond.

P.O. CARACAPPA:

Thanks for your ••

LEG. BISHOP:

What did she do?

P.O. CARACAPPA:

Thanks for your ••

LEG. MYSTAL:

Joe.

MS. DEHLOW:

What did she do?

LEG. MYSTAL:

Yeah, what did she do?

MS. DEHLOW:

She ended up staying with us and she pays 30% of her income. But our housing, like Peter's is subsidized through other programs. What I urge you to do is rather than this, have annual inspections. Believe me, the DSS inspections are rigorous, they really are. We get •• if have a cracked outlet cover that 50 cents, they'll say you got to fix that before they'll allow a family to move in, and that's the truth.

P.O. CARACAPPA:

Thank you very much.

(*Applause*)

Gwen O'Shea.

MS. O'SHEA:

Hi. Good afternoon. I'm not going to be long, I'm just going to sort of echo the statements that have already been made.

I'm Gwen O'Shea with the Health and Welfare Council of Long Island, and on behalf of the organizations that we represent and the constituents we represent, thank you for addressing this issue. And our concern, like yours, is about people. It's about providing safe, adequate housing for individuals to reside in. But when the option is between having a safe place to live and not having a place to live at all, we certainly want them to have a place to live. Passage of this resolution, we feel, will prevent some individuals from having that place to live. It will impact families, and then, of course, put more of these families out of homes and into emergency shelters and temporary housing.

There's a shortage of rental housing in Suffolk County, but not a shortage of individuals seeking affordable housing, and we think by opposing these additional requirements, landlords that rent to these families will stop renting. Landlords will decide to refuse to rent, and as stated, this will result in increased lengths of stay and costly emergency housing, as well as increased homelessness. We appreciate the intent of this resolution to protect recipients, but it puts them •• these individuals that are vulnerable in an even more vulnerable situation.

To date, Suffolk County has made significant strides in reducing the number of homeless families. In 2002, we saw over 600 families and 140 singles in emergency housing. Today we see that number has been cut in half. Our fear is, though, if you instate this resolution, individuals again will be placed in emergency housing and they'll be put further away from the areas where their children go to school, where they're working, and will increase the burden for the families that are in need.

LEG. NOWICK:

Thank you.

LEG. FOLEY:

Thank you.

(*Applause*)

D.P.O. CARPENTER:

Thank you. Next speaker, Paul Arfin, followed by Mary Allen.

MR. ARFIN:

Good afternoon. My name is Paul Arfin and I'm president of a nonprofit organization by the name of Intergenerational Strategies. I am not going •• I'm going to try and not to repeat anything that's been said yet. It seems to me, in listening to what has been said, there were various options, increase the supply, which, of course, is the best solution of affordable rental housing, increase enforcement, lower the paperwork, and perhaps increase the size of fines. Theoretically, those seem to be the options.

There's another option, and I want to put it on the table. And I'm opposed to the resolution as it's currently written. I agree with the principle, the goal, but •• and I want to talk briefly about another alternative. While we fight and seek the construction of new housing units, we could better utilize some of our existing housing units.

In Atlanta, Georgia, currently, suburban Atlanta, Georgia and suburban San Mateo County, there currently are hundreds of older adults, homeowners who are renting to younger families for 300 to \$600 a month in what is called home sharing. It conforms with all ten townships' zonings, it is considered a family •• an extended family's use of a home, and it provides a twofold whammy to both ends of the age spectrum. On one hand, we have older adults who can't afford to live in their homes any longer because of the cost, the rising taxes, the rising cost of living, and they are at risk of losing their homes and leaving their homes prematurely because of the place where they raised their children and where their husbands or wives may have past on. They need companionship and they need some rent money. They don't need fifteen hundred dollars a month or \$200,000 a month, they may need 300 or \$500 a month and somebody to take them to the doctor twice a month, or maybe somebody to read to them twice a week, etcetera. Home sharing makes sense, and without belaboring it, I would encourage

this committee of the Legislature to look at the options for constructing homes and home sharing. Thank you.

LEG. FOLEY:

Thank you, Paul.

(*Applause*)

D.P.O. CARPENTER:

Thank you, Paul. Next speaker, Mary Allen.

MS. ALLEN:

Hi. I'm Mary Allen. I'm the Director of Gerald Ryan Outreach Center in Wyandanch, and I guess I'm the lucky winner who's got the 4:30. I get to say my piece when we all want to get out of here and we've heard it all.

We see 600 clients a month. Out of those 600 clients, 30 to 40 of them a day, perhaps two or three of them are homeowners. At least two homeless people per week are seen, I would say even more than that. At least one person a day is in a shelter or an emergency housing.

Where are those people going that don't get housing? They're sleeping underneath the trailer where we serve food every day, they're sleeping in the woods, they're renting cars to sleep in. If you continue with this and go forward with it and pass this bill, the landlords are going to say, "Good•bye Social Service recipients, good•bye all of this nonsense, give us the people that need" •• "that have cash. We'll wait and we'll take the cash. Social Services, they have enough loopholes to jump through, they don't need the added nonsense of having to •• and I say nonsense lightly. I don't mean that, you know, substandard housing is acceptable, it is absolutely not acceptable. But, as everyone else here has said, let's go after the people that are providing that substandard housing, let's not take away the opportunity for these people to be housed. Don't take it away from them, I'm begging you. That's it.

(Applause)

[SUBSTITUTION OF STENOGRAPHER • DONNA CATALANO]

LEG. FOLEY:

Thank you.

LEG. CARPENTER:

Thank you. Gerald Ryan Outreach Center. The question was asked who she represented. Okay. That's it for the cards on this hearing. The Presiding Officer has stepped out of the room. He's the sponsor. I'm not quite sure what his wishes are on this hearing, if he wants to close it.

LEG. MYSTAL:

Is there anyway we can get Ms. DeMarzo on the microphone.

LEG. ALDEN:

We're not debating the bill yet.

P.O. CARACAPPA:

Motion to close.

LEG. CARPENTER:

We have a motion a motion to close.

LEG. FOLEY:

On the motion. We have a Legislator who's asked the Commissioner ••

LEG. CARPENTER:

I don't think that has anything to do with the hearing being closed or not.

LEG. FOLEY:

It does, because the public hearing •• he wants to hear from the Commissioner on a proposed bill that ••

P.O. CARACAPPA:

No.

LEG. FOLEY:

•• there's a public hearing.

LEG. ALDEN:

Let's look through the cards, and see ••

LEG. FOLEY:

It's happened before.

P.O. CARACAPPA:

No. Listen ••

LEG. FOLEY:

She doesn't have to, but if a Legislator has asked that ••

P.O. CARACAPPA:

She did not fill out a card. I would expect that the Social Services Commissioner would fill out a card on this, even though it seems that she brought everyone down here, and she's been in opposition to this. But I'm not going to have a Commissioner come up during the public portion. It's not how we do it. This bill goes back to committee now. She has the •• that's where the Legislators ask Commissioners to come, to committee, and then again when it comes on the floor of the Legislature, they'll have the chance then. But we have both the Commissioner and the Deputy Commissioner here in the room listening to all this testimony, but they don't come up and defend their position, because I think they were told not to. I made a motion to close, seconded by Legislator Alden. All in favor? Opposed? Abstentions? 1300 is closed. Moving onto **1327, (a Local Law establishing responsible standards and controls for alarm systems that require Police Department responses)**. I have no cards. Anybody wishing to be heard?

LEG. COOPER:

Motion to recess.

P.O. CARACAPPA:

Motion to recess by Legislator Cooper, seconded by myself. All those in favor? Opposed? Abstentions? 1327 is recessed. There's also another public hearing that's not on your agendas, but it was distributed this morning. It's IR **1427**, which is to **update the Suffolk County Living Wage Law**. I have no cards. Anybody wishing to be heard? Motion by Legislator

Bishop to close, seconded by Legislator Vilorio•Fisher. All those in favor? Opposed? Abstentions? 1427 is closed.

I'll make a motion, seconded by Legislator Carpenter to set the dates and times and locations for the following public hearings; 2006 to 2007 Capital Budget and Program, and that's Tuesday, April 26th, 2005 at 10:30 a.m. in the Maxine Postal Auditorium in Riverhead; also contained in that motion is setting the date and time of Tuesday, May 10th, 2005, at 1:00 p.m. at the Rose Caracappa Auditorium in Hauppauge the 2006•2007 Capital Budget and Program Public Hearing; also contained in that motion is setting the date for the following public hearing; Thursday May 12th, 2005 at 9:30 a.m. at the Ways and Means Committee here in Hauppauge for Resolution 1418; also contained within that motion is setting the date of Thursday, May 12th, 2005, at 11:30 a.m. at the Health and Human Services Committee here in Hauppauge the public hearing on 1421; also contained in that motion is setting the date of Tuesday, May 17th, 2005, 2:30 p.m. at the General Meeting at the Maxine Postal Auditorium in Riverhead the following public hearings; 1323, 1350, 1351, 1360, 1427. There's a motion and a second to set all those public hearings, times and dates and locations. All in favor? Opposed? Abstentions? Those public hearings are set.

LEG. O'LEARY:

Mr. Chair.

P.O. CARACAPPA:

I recognize Legislator O'Leary.

LEG. O'LEARY:

I would request a 15 minute recess.

P.O. CARACAPPA:

A real 15 minutes?

LEG. O'LEARY:

For purposes of •• before you go on to further business, for purposes of discussing matters a caucus.

P.O. CARACAPPA:

True 15 minutes?

LEG. O'LEARY:

Sure. I think we can do it in a true 15 minutes.

P.O. CARACAPPA:

Okay. We'll take a 15 minute recess, and we will return at ten of. Recessed.

(* A RECESS WAS HELD FROM 4:37 P.M. UNTIL 5:01 P.M.*)

P.O. CARACAPPA:

Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. CARACCILOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not present)

LEG. LOSQUADRO:

Here.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

(Not present)

LEG. COOPER:

(Not present)

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Yes.

MR. BARTON:

15 present, Mr. Chairman.

P.O. CARACAPPA:

Thank you. All right. Why don't we do •• Legislator Alden, did you make a motion to override this veto or no?

LEG. ALDEN:

Unfortunately, no. I'm not going to make a motion to override because the whole question is moot with the restrictions and with the requests that the County Executive placed upon ••

LEG. BISHOP:

What are you guys doing?

P.O. CARACAPPA:

The vetoes. The vetoes.

LEG. ALDEN:

•• the infrared company. They probably would not be able to pick up the whole cost of our Health Department, so they have actually withdrawn their offer for a free infrared technology to Suffolk County, so I guess it would be inappropriate to make a motion.

P.O. CARACAPPA:

Okay. Legislator Schneiderman, you don't plan on making a motion to override the one on the duck farm?

LEG. SCHNEIDERMAN:

I'm not going to make a motion to override, because originally it was •• it related to 477 Funding and whether it could be used for this purpose. I think it's been clarified by Counsel that it could be used for this purpose. I won't make that motion.

P.O. CARACAPPA:

So there is •• we skipped over a bill relating to the same project in tabled resolutions. Would you like to act on that know.

LEG. SCHNEIDERMAN:

Yes, please.

P.O. CARACAPPA:

Would you like to make a motion to approve.

LEG. SCHNEIDERMAN:

I will make a motion to approve. What's the resolution number?

P.O. CARACAPPA:

That's **2313, (amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Planning for a study on the effects of the duck farming industry on Long Island).**
On tabled resolutions on page eight.

LEG. SCHNEIDERMAN:

Okay. Motion to approve.

P.O. CARACAPPA:

Seconded by Legislator Vilorio•Fisher.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden. Go right ahead.

LEG. ALDEN:

Jim, I have a couple of questions on the 477 account. The first question is I know when it was actually put in place there were some requirements for segregated accounts, has that taken place? Has that been accomplished?

MR. SPERO:

I don't believe it has.

LEG. ALDEN:

Okay. And that's important on tracking. But maybe you can answer the next couple of questions, maybe you can't. How much money do we have in the 477 account?

MR. SPERO:

I think it was about nine million we had that was still available to be used for water quality protection purposes.

LEG. ALDEN:

And we just passed a whole bunch of bills today that, you know, kind of, I'm not going to say gobbled it all up, but took a big chunk of that, is that a good guess?

MR. SPERO:

3.5 million was approved today.

LEG. ALDEN:

So there's roughly six million left?

MR. SPERO:

Yes.

LEG. ALDEN:

Going forward •• this is so I don't have to do this later on, because I know we have a couple of other resolutions that are going to use 477 money. Going forward, what do we project each year as far as the money that would go into the 477 account, approximately how much money? Just a rough guess.

MR. SPERO:

Well, a quarter cent of the sales tax, so it's roughly about \$64 million.

LEG. ALDEN:

Then into the 477 account, there's 64 million?

MR. SPERO:

Right. And one•third •• just saying, roughly one•third is for sewer stabilization, one•third is for land programs and one•third for property tax stabilization.

LEG. ALDEN:

Okay. This particular resolution, we are using money out of which part of that?

MR. SPERO:

Which resolution are you referring to?

P.O. CARACAPPA:

2313, the duck farm.

LEG. ALDEN:

2313.

MR. SPERO:

That's from the water quality component.

LEG. ALDEN:

Okay. So roughly each year how much is going to flow into that component, about six million?

MR. SPERO:

About eight or nine million a year.

LEG. ALDEN:

Eight or nine million. How much are we currently up to as far as established salaries that we're paying out of that portion? I realize this is hard to answer, because we don't have the account set up where we could properly track all this.

MR. SPERO:

About 1.1 million.

LEG. ALDEN:

In salaries? So we have a whole bunch of money to use there then?

MR. SPERO:

There are still funds that can be used, that's right.

LEG. ALDEN:

And going forward, we have approximately, you said, eight, \$9 million?

MR. SPERO:

About six to six and a half million.

LEG. ALDEN:

And that's for projects and for salaries?

MR. SPERO:

For whatever purposes you approve.

LEG. ALDEN:

Okay. Thanks.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Same follow up questions. Jim, the nine million •• we had the nine million at the beginning of the year, right? And that account gets replenished continuously, right?

MR. SPERO:

That was our projection for 2005.

LEG. LINDSAY:

For 2005, at the end of year we would have \$9 million.

MR. SPERO:

Right. A little over nine million.

LEG. LINDSAY:

You said this 64 million goes into it annually, right?

MR. SPERO:

That's correct.

LEG. LINDSAY:

Third of that goes into water quality.

MR. SPERO:

And a third of that goes into Water Quality?

MR. SPERO:

Water Quality and Land Preservation Programs, like, farmland preservation.

LEG. LINDSAY:

Okay. But I thought it was cut three ways; land preservation, water quality, what was the third one?

MR. SPERO:

Farmland is a component.

LEG. LINDSAY:

So wouldn't that be 21 million? How did it get down to nine million?

MR. SPERO:

I'm just talking about the water quality component.

LEG. LINDSAY:

All right. The water quality component is a third?

MR. SPERO:

It's about a third of a third.

LEG. LINDSAY:

A third of a third? Okay.

P.O. CARACAPPA:

Are you done?

LEG. LINDSAY:

Yep.

LEG. NOWICK:

Anyone else? Motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

P.O. CARACAPPA:

One abstention, Legislator Alden. 2313 is approved.

MR. BARTON:

16, one abstention, one not present.

P.O. CARACAPPA:

Legislator Caracciolo, you would like to make a motion to override the veto on **Resolution Number 155, which is reestablishing a Legislative policy for the charging of fees for private well water testing by the Suffolk County Department of Health Services?**

LEG. CARACCILOLO:

Yes. Motion.

P.O. CARACAPPA:

I'll second that.

LEG. BISHOP:

On the motion.

LEG. CARACCILOLO:

Mr. Chairman.

P.O. CARACAPPA:

On the motion, Legislator Bishop, then Caracciolo.

LEG. BISHOP:

Just a question for the sponsor. When we debated this resolution, as you recall, there was discussion of a means test, and in fact, that lead to much jocularly at the expense of Legislator Cooper as we discussed the indigent of Lloyd Harbor who apparently were former pilots. But the fact is that under your resolution, there is no means test; is that correct? It's a matter of where you live? It's a geographical test, not a means test?

LEG. CARACCILOLO:

That's correct.

LEG. BISHOP:

Okay. And the County Executive vetoed this saying that he would support it with a means test.

LEG. CARACCILOLO:

I'm not sure that's what he said.

LEG. BISHOP:

Well, that's •• I don't know •• well, it's at least what he said to me and some of my colleagues.

LEG. CARACCILOLO:

Well, then maybe I'll just reintroduce the resolution with the means test.

LEG. BISHOP:

And I would support it at that point.

LEG. CARACCILOLO:

Okay.

LEG. BISHOP:

So I don't know if you want to do the vote, but that certainly, I think, would get unanimous

support, I believe.

LEG. CARACCILO:

Okay. Well, let's see if we can provide the same benefit to those who are not indigent. If we can't, then ••

LEG. MYSTAL:

Poor.

LEG. CARACCILO:

Then •• what was that? What did I miss over there.

P.O. CARACAPPA:

He said poor, but in Elie Mystal's wonderful way of doing it.

LEG. CARACCILO:

As was stated in the veto message, low income, okay? If we can provide the benefit beyond that level, great. If not, then I will introduce it with that provision.

P.O. CARACAPPA:

Are you moving this override?

LEG. CARACCILO:

Moving the override, yes.

LEG. ALDEN:

I just have one quick question.

P.O. CARACAPPA:

Sure.

LEG. ALDEN:

And it goes to Legislative Counsel, isn't there a salary •• like, if you make over a certain amount of money, you're not eligible for this anyway. Because this reflects the same program that was already in place.

MS. KNAPP:

It is an exact duplicate of the program that was in place. There was nothing in that authorizing resolution that talked about a means test, though. I'm not sure if the Health Department implemented it with a means test, but it is an exact duplicate of the old resolution.

LEG. ALDEN:

It didn't have a salary •• not a salary, but a family income requirement?

MS. KNAPP:

Not on the basic ••

LEG. ALDEN:

The original one ••

LEG. COOPER:

I thought that it did.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

It's time I answer this. Administratively, the testimony before the Health Committee was that the Health Department uses an administrative, let's say, income threshold of roughly \$25,000 one the one hand. And they also said that they are seriously entertaining the idea of lifting that amount or increasing it to \$50,000. In addition to that ••

LEG. ALDEN:

That's because of Lloyd Harbor?

LEG. FOLEY:

I don't think that still would cover Lloyd Harbor. But in addition to that, they have an ongoing waiver of the fee for areas of the County where there are what I would call multiple samples being taken because of the threat of contamination in that given area. Primary among those areas is Eastern Suffolk County and within that particular area, both the north and south forks, where if there is a •• if there is a suspicion of contamination in a given area, as we speak

without this resolution, Health Department goes forward, makes multiple •• takes multiple samples with no charge to the residents in that particular area. So when you couple that with the fact that they have stated on record their willingness to raise the income threshold from 25 to \$50,000, it makes this resolution unnecessary.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILO:

I would just point out that the record doesn't reflect that statement at all. For example, the correspondence that we handed out at the last meeting, which •• when this resolution was approved overwhelmingly by a 12•6 vote, I stated and I'll repeat that the number of fee waivers per year average about between 35 and 57 was the high year, the first year, that's it. Now the County Executive in his message says currently approximately 600 or 50% of private well samples analyzed by the Health Department •• Department of Health Services are done free of charge. That's not what Dr. Harper provided me in terms of actual numbers.

The other thing that's grossly overstated or inflated, you make up your own mind, but we heard repeatedly from Vito Minei and now we see it in this veto message that this will cost the County \$660,000 a year in lost revenue. First, I would say if that were true, which it is certainly not, why do people pay taxes to their County Government if they live in high risk area and we can't waive a \$100 water sample?

But more importantly, that number is grossly inflated, exaggerated and totally false. Because again, the same memo from Dr. Harper at my request, breaking it down year by year, showed \$16,835 was waived in fees in 2000, \$11,245 in 2001, 13,155 in '02, and the last year that this program was in effect, '03, 16,200. We can all see through a smoke screen. I hate to say it and say it over and over again, I don't know what his problem is, but don't mislead and misstate and lie to elected officials and the public of Suffolk County.

He has no basis for the information that contained in his veto message, yet he blatantly puts it

in there like it's gospel. It is not. His own Health Commissioner has stated what the actual numbers are. Vote and support the health and welfare of Suffolk County residents, yours and mine. Thank you.

P.O. CARACAPPA:

Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. CARACCILOLO:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes to override.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Another party line vote.

LEG. CARPENTER:

Yes to override.

LEG. COOPER:

No.

MR. BARTON:

Ten.

P.O. CARACAPPA:

Veto is sustained. Okay. The discharged bills, shall we tackle those next? Who wants to go first? Legislator Cooper, 1092.

LEG. COOPER:

I'd like to start with 1286 if I could.

P.O. CARACAPPA:

1286, (authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund). Motion by Legislator •• this is a planning steps resolution. Motion by Legislator Cooper, seconded by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

That's approved.

LEG. BISHOP:

Why didn't it have to go through committee?

P.O. CARACAPPA:

It came out of committee.

LEG. COOPER:

No, it didn't. Time is of the essence on this. It's an 11 acre parcel.

P.O. CARACAPPA:

Did you call the vote.

MR. BARTON:

Yes.

P.O. CARACAPPA:

Okay. Next. I'm trying to do you a favor, Jon. **1092**, motion by Legislator Cooper, seconded by Legislator Schneiderman, **promoting the preservation of Suffolk's environment by purchasing green power.** Green power.

LEG. SCHNEIDERMAN:

On the motion. Earlier, I made mention to the committee in which the Commissioner had spoke and made some concerns. The Commissioner of Public Works is here today to respond to those earlier concerns. So if you could recognize Commissioner Bartha before we vote on this and have that on the record.

P.O. CARACAPPA:

Does the Legislature want to hear from the Commissioner?

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Okay. Commissioner.

COMMISSIONER BARTHA:

Thank you. At the Public Works Committee, I raised some concerns about this bill. At that time I did not have the amended copy as I do now. The amended copy has addressed those concerns. My concern at that time was that the 5% each year up to 25% by 2010 could have brought us to two and a half million dollars additional cost in acquiring energy. Now that the maximum cost is limited to \$500,000 a year, next year we estimate that would be approximately \$155,000, which we will reflect in our Operating Budget request.

P.O. CARACAPPA:

Legislator Caracciolo, then O'Leary.

LEG. CARACCILOLO:

Well, I have a question of the Commissioner on an unrelated matter, so I'll defer to •• while he is here, because I don't see him in the committee.

P.O. CARACAPPA:

I'd like to keep the discussion on bills before us.

LEG. CARACCIOLO:

Then just a quick question on something that's on another bill before us.

P.O. CARACAPPA:

Go ahead.

LEG. CARACCIOLO:

Charlie, that has to do with the demolition of the old Cornell Cooperative Extension Building in Riverhead. Can you tell us when that project is slated to be taken?

COMMISSIONER BARTHA:

It's in design now. We expect to be bidding it shortly, and the schedule remains as I had committed to yourself and the County Executive that before the end of spring the contract would be awarded and work will start on the demolition of that project.

LEG. CARACCIOLO:

How important is that project?

COMMISSIONER BARTHA:

It's important. It's very important to us, because it frees up some area that we were counting on to use as parking for the expanded court facilities in Riverhead, it's directly opposite from the court.

LEG. CARACCIOLO:

Can that project be delayed or postponed in your opinion?

COMMISSIONER BARTHA:

I wouldn't recommend it.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

Legislator O'Leary, then Alden.

LEG. O'LEARY:

Commissioner, thank you for coming here today. It was at my request that you did so to clarify your •• the position you did take in committee, the strong position I might add, that you took with respect to some of the concerns you had with respect to 1092, which is before us. I note the amended version was no more than \$500,000 per year at the maturation process, but have you calculated what the immediate impacts are going to be per year to start off with?

COMMISSIONER BARTHA:

Well, next year we have projected it would be \$155,000 additional in our electric budget.

LEG. O'LEARY:

All right. And then over the course of the years to 2010, it will be increased to \$500,000 per year and will not exceed that number?

COMMISSIONER BARTHA:

Based on the resolution, yes. And we've projected we would get to the 500,000 by 2009.

LEG. O'LEARY:

2009. All right. And the gradual increase •• I mean, there's not going to be a situation where in year three or four we're going to be at \$500,000? I think there's a 4% increment built in each year.

COMMISSIONER BARTHA:

Correct. It might be 5%, but, yes, it is an incremental goal. It's a goal each year to get to 25%. And we would do it as you have laid out there, we would do it in stages.

LEG. O'LEARY:

But you would agree that your concern dealt with the dollar figure that was given to you which was approximately \$750,000, that has not been changed? And that was your concern 750 as opposed to 500?

COMMISSIONER BARTHA:

Actually two and a half as compared to 500, yes, that was my concern. And it addressed by that cap.

LEG. O'LEARY:

All right. Thank you.

COMMISSIONER BARTHA:

Two and a half million that was compared to \$500,000.

LEG. O'LEARY:

Two and a half million as opposed to the 500,000, correct?

COMMISSIONER BARTHA:

Yes. Yes.

LEG. O'LEARY:

Now I'm not clear on that again. What is the absolute cap on this particular resolution before us?

COMMISSIONER BARTHA:

Five hundred thousand is the absolute cap.

LEG. O'LEARY:

In any given year, 500,000?

COMMISSIONER BARTHA:

Five hundred thousand total increase to now •• 500,000 for green power, the additional cost for the green power.

LEG. O'LEARY:

Five hundred thousand cumulative or 500,000 a year?

COMMISSIONER BARTHA:

I believe that's a total figure that in any particular year we would not purchase more than half a million dollars of green power.

LEG. O'LEARY:

I thought it said at the end of this particular •• it will now exceed 500,000, which does not preclude you from having \$500,000 cap in previous year in your opinion?

COMMISSIONER BARTHA:

It gradually increases to \$500,000.

LEG. O'LEARY:

Have you calculated the cumulative number? It's not two and a half million now, what is it?

COMMISSIONER BARTHA:

The cumulative number? Over how many years, over five years?

LEG. O'LEARY:

Well, through 2010.

COMMISSIONER BARTHA:

Through 2010, I can tell you approximately, all right?

LEG. O'LEARY:

Okay.

COMMISSIONER BARTHA:

It would probably be between a million and a million and a half, I believe. But that was a one year cost. It would have been two and a half million dollars in 2010 a one year amount. What we're saying now •• what I'm saying now is we're projecting this to be a cumulative increase over that same period of about a million and a half.

LEG. O'LEARY:

All right. Then clearly I'm on track with my query here with respect to the total cumulative cost. Your position in committee was that the total cumulative cost was then well in excess of 2.5 million if 2.5 million was in the maturation year.

COMMISSIONER BARTHA:

Yes. I don't •• I didn't think I was answering the cumulative cost impact question at that time.

LEG. O'LEARY:

But you are now.

COMMISSIONER BARTHA:

Yes. Okay. Now answering that.

LEG. O'LEARY:

What is your answer?

COMMISSIONER BARTHA:

You're asking me what this bill •• the cumulative ••

LEG. O'LEARY:

Yes. Cumulatively.

COMMISSIONER BARTHA:

How come you just voted on the other bill? I apologize for my ••

LEG. O'LEARY:

Commissioner, the reason why you're here today is because you did voice such strong objection to this bill in committee.

COMMISSIONER BARTHA:

Yes.

LEG. O'LEARY:

And there's been a change of heart. Obviously, what occurred with respect to your position is the total cumulative affect of this bill.

COMMISSIONER BARTHA:

There's been a change in the resolution, which has greatly reduced the total cumulative affect of the bill.

LEG. O'LEARY:

And not from two and a half million as previously reported but certainly well in excess of that cumulatively, correct?

COMMISSIONER BARTHA:

Correct. The resolution is much better now.

LEG. O'LEARY:

It's much better and a lot less expensive, correct?

COMMISSIONER BARTHA:

That's correct.

LEG. O'LEARY:

But you're unable to tell us how much less expensive.

COMMISSIONER BARTHA:

No. I don't have the figures in front of me.

P.O. CARACAPPA:

There's a list. Legislator Alden.

LEG. ALDEN:

Charlie, does this piece of legislation preclude us from going out and buying our own solar panels and generating the electricity that way or do we have to, according to your reading of this, does this only apply to the power that we're buying from an outside source?

COMMISSIONER BARTHA:

I believe this only applies to power from an outside source. I do not see this at all precluding us from going ahead with our solar power projects, our fuel cell projects, micro turbine projects.

LEG. ALDEN:

So if our commitment is, and it's limited by \$500,000, say for instance, when it phases into the point where we're supposed to pay \$500,000 a year to buy green power, could we at that time go out and buy solar panels to live up to that obligation and generate the power that way?

COMMISSIONER BARTHA:

I would actually look to Counsel as to what the resolution says.

LEG. ALDEN:

Then I would just ask Counsel.

MS. KNAPP:

It does talk about purchasing energy from sources. That says to me that it does not •• that it does not include a capital project that the County might enter into. This one talks about purchasing energy from outside generators ••

LEG. ALDEN:

It does not leave us that option that if sometime in the future we wanted to put up, you know, a piece of wind power generating equipment or if we wanted to but solar panels, we couldn't do that under this legislation.

P.O. CARACAPPA:

Yes, we can. I'm sorry.

MS. KNAPP:

We can certainly always do that, but if what you are saying is that this resolution, does it specifically authorize us to build a wind generation facility, no, it doesn't do that. It authorizes us to buy power from renewables.

LEG. ALDEN:

My question was at sometime in the future, if we wanted to go out and buy •• and I'll make it real simple •• just the solar panels, instead of buying \$500,000 worth of green generated energy from the outside source, if we wanted to spend that \$500,000 and buy solar panels if that would qualify under the requirements of this.

MS. KNAPP:

The authority to do that is not within the four corners of this resolution.

LEG. ALDEN:

Okay. Thanks.

P.O. CARACAPPA:

Legislator Cooper.

LEG. COOPER:

Just a couple of points. First of all, this resolution was modeled after similar bills enacted in Nassau County, Westchester County, New York State also has a similar requirements by 2010, I believe it's 20% green energy.

[RETURN OF STENOGRAPHER • LUCIA BRAATEN]

We actually earlier today voted on a resolution introduced by Legislator Schneiderman that would mandate Suffolk County to purchase 5% of its energy needs with a cap of \$100,000 by the end of •• is it '06?

LEG. SCHNEIDERMAN:

I'm sorry, what's the question? Under ••

LEG. COOPER:

Your resolution that requires us to purchase green energy through LIPA's Green Choice Program ••

LEG. SCHNEIDERMAN:

They can negotiate up to a 10•year contract, 5 or 10•year contract.

LEG. COOPER:

But the \$100,000 cap is ••

LEG. SCHNEIDERMAN:

It's ••

LEG. COOPER:

•• the end of '06 or ••

LEG. SCHNEIDERMAN:

Yeah. Currently, the County's electric bill is in excess of 20 million. If you take 5% of that, it's roughly one million dollars. The cost of renewable energy right now through collective bargaining is running about 10% more than conventional, so that additional 10% amounts to about \$100,000. So, for every 5% of the County's utilities we purchase through renewable, it costs us an additional \$100,000 to build that green industry.

My bill, of course, you can add on to. You can add next year another 5% any time you want. It just says right now, go and purchase 5% through LIPA's Green Choice Program of new generation capacity, which is also something different, so you know that it's building the industry, not just supporting the industry that currently exist. Did I •• does that answer your question, Jon?

LEG. COOPER:

Yes. And the idea that this resolution •• that's why, actually, Legislator Schneiderman's bill compliments this. It's a step towards my bill. His mandate's 5% the first year. Mine sets a goal, sets a goal of 25% going out to 2010, the thought being the first year may well be \$100,000, the second year, two hundred thousand, three hundred, working up to 500,000 cap. And if played out that way, the total expenditure over that five•year period would be 1.5 million dollars, which I think is the figure that Commissioner Bartha ••

LEG. SCHNEIDERMAN:

If I could add ••

P.O. CARACAPPA:

Hold on.

LEG. SCHNEIDERMAN:

•• the cost of conventional utilities has been going up at a fairly consistent rate as we all see the barrel of oil price approaching \$60 a barrel. Wind power has been going down, so by 2010,

it might cost significantly less than \$500,000 to get to 25%.

P.O. CARACAPPA:

Legislator Cooper, you have the floor.

LEG. COOPER:

I'm done.

P.O. CARACAPPA:

Okay. Legislator Schneiderman, you were next, but I think you said what you had to say.

LEG. SCHNEIDERMAN:

Thank you.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Legislator Schneiderman just made one of the points that I had made in committee, that as we reach the out years of this resolution, that it would be easier for us to reach the goal of 25%, or less expensive for us to reach the goal of 25% as technologies develop in sustainable energy. And going to the mathematics of it, if we were to go to the maximum of 500,000, then it would be a cumulative effect of 2.5 million, but we're not going to even be able to reach that 500,000 in the •• \$500,000 a year in achieving our goals. So, certainly, we're not going to come anywhere near that cumulative number over the five years. You know, even if you went to the max every year, you reach that two•and•a•half million and we're not going to be doing that.

Charlie, I also want to piggy•back on a question that was asked by Legislator Alden. If there were •• for example, if we rented buildings, and many of the County facilities are in rented, we rent facilities, if the landlords had alternative energy in those buildings, if they had solar panels in those buildings, and we were using that alternative energy within that context, would that count toward this goal?

MR. BARTHA:

I wouldn't seek to do it that way.

LEG. VILORIA • FISHER:

But if it just by •• just by the practical nature of where we might be renting, if we were renting a new building, would that count toward this goal, just hypothetically?

MR. BARTHA:

My understanding is that you're trying to •• the intent of the resolution is to try to purchase more of this, and that's almost like we'd be trying to get away from using •• using this. We already have that commitment if it were in a lease. What I would look to do is each year the target amount, I'd find a building •• each building is a separate account. I'd find a building or other facility that's uses approximately that amount of electricity and we would add •• that's the way the negotiations would go, as we understand the programs with •• through LIPA.

LEG. VILORIA • FISHER:

But if we're looking ahead toward building LEED buildings, for example, that would seek to use alternative energy sources, within that context, if those buildings had solar panels, you're saying it would not become part of the aggregate in reaching this 25% goal?

MR. BARTHA:

I don't believe so, and I •• as I understood Counsel, she was saying what my belief of this resolution is, is this resolution addresses purchasing power and that wouldn't be power that we purchased if we had solar panels, it would be power that ••

LEG. VILORIA • FISHER:

Okay, from an energy source. What if we were to use, let's say, heating oil that were a biodiesel mix, which we attended a workshop on biodiesel, Legislator Losquadro and I attended a workshop, and there was a •• what was the name of the group, Mills? There's an entity that does provide home heating oil which uses a mixture of biodiesel. Would that be a part of the energy purchasing program?

MR. BARTHA:

I don't know that that would meet the definition of a renewable ••

LEG. VILORIA • FISHER:

Well, biodiesel would, particularly if it were recycled, if it were waste biodiesel, or ••

LEG. LOSQUADRO:

Soy.

LEG. VILORIA • FISHER:

Right, or soy.

MR. BARTHA:

Yeah, but it's only a small percentage.

LEG. VILORIA • FISHER:

Maybe it's something we can look at down the road.

MR. BARTHA:

It's only a small percentage that's included. If that's the intention of the resolution, I think that it should say that for us.

LEG. VILORIA • FISHER:

Well, it's alternative and it would be buying energy. I believe we could look at that down the road and maybe we could try to see the flexibility within this program. Henry, if you could put me as a cosponsor on this.

MR. BARTHA:

What the resolution specifically says is renewable energy sources such as wind, solar, ocean, geothermal and hydro.

LEG. VILORIA • FISHER:

Well, that's such as.

LEG. LOSQUADRO:

Such as.

LEG. VILORIA • FISHER:

Obviously, Legislator Losquadro and I are very interested in biodiesel as another technology.

P.O. CARACAPPA:

Legislator Losquadro, you're next.

LEG. LOSQUADRO:

Oh, I am. I guess you already heard what I had to say.

LEG. VILORIA • FISHER:

We go to the same parties.

LEG. LOSQUADRO:

No, I was going to ask the same thing. Obviously, you know we had a number of discussions on my proposal for beginning the use of biodiesel in the Suffolk County fleet, and I would like to see that expanded into our use for heating oil as well. So, Legislator Viloría•Fisher and I were panelists at that same conference, so this is something I would like to look into down the line, because I certainly think that that is sort of the definition of renewable and alternative fuel source. So, I think it bears looking into. Thank you.

P.O. CARACAPPA:

Okay? There's a motion and a second. All in favor? Opposed?

LEG. ALDEN:

I have to abstain, I might have a conflict.

P.O. CARACAPPA:

Abstention, one abstention.

MR. BARTON:

16, 1 abstention, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Okay, Jon.

LEG. SCHNEIDERMAN:

Joe, Presiding Officer.

P.O. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

I have •• a request has been made from some of my colleagues who, in light of the testimony, would have liked to have supported 1118.

P.O. CARACAPPA:

Motion to reconsider **1118 (To promote emission-free energy by purchasing power from renewable sources)** by Legislator Schneiderman, second by Legislator Foley. All in favor? Opposed? Abstentions? 1118 is now before us. Motion to approve 1118 by Legislator Schneiderman, second by Legislator Foley. All in favor? This is the Schneiderman, original Schneiderman bill that now people wanted to vote for it. All in favor? Opposed? Abstentions?

LEG. BISHOP:

Cosponsor, please.

P.O. CARACAPPA:

Very good.

LEG. COOPER:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

LEG. SCHNEIDERMAN:

Henry, put me down as a cosponsor on Jon's bill.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

You could just feel the love.

LEG. VILORIA • FISHER:

Henry, cosponsor on 1118.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

1185.

P.O. CARACAPPA:

There's a motion by Legislator Lindsay to approve **1185**.

LEG. ALDEN:

What is this now?

P.O. CARACAPPA:

I'll second it. Amending the 2005 Operating Budget to take proactive steps necessary to mitigate the trickle•down effect of Federal reductions to the Workforce Investment Act (WIA) Program and implementing Smart Government Principles to perform necessary County functions.

LEG. ALDEN:

Put me on the list, please.

P.O. CARACAPPA:

You are on the list. Go ahead, Legislator Alden, on the motion.

LEG. ALDEN:

Just I really don't believe that 477 is the proper way to go with this, and there was a competing piece of legislation that was being drafted that would have been taken up at the proper time when we do budget amendments.

But actually hearing some testimony from Jim of Budget Review a few minutes ago, it sounds like they're stating to us that there's enough cash in the account to carry us through for this year, and we could take up a more permanent solution possibly when we do the budget for next year. So, I'm going to actually reverse my adamant ••

LEG. MYSTAL:

Opposition.

LEG. ALDEN:

•• opposition to this way of funding, and I think that it's imperative to save the jobs. As I stated in the past, I would have preferred to do it a different way, but I think it sounds like we have the cash this year to do it this way.

LEG. LINDSAY:

I had such cogent arguments, too, and now I •• you just took them all away. I'll just shut up.

P.O. CARACAPPA:

Well ••

D.P.O. CARPENTER:

Caught you off guard, huh?

P.O. CARACAPPA:

Hold on a second. Legislator Caracciolo is next, so hold those arguments. Legislator Caracciolo, then O'Leary.

LEG. BISHOP:

And Bishop.

P.O. CARACAPPA:

And Bishop.

LEG. CARACCILOLO:

My first question is what is the urgency in passing this resolution at this time? And then I'd like to get into the BRO report that dealt with this subject matter.

LEG. LINDSAY:

If I may answer the first question. The urgency is that the funding has been reduced to the Labor Department I believe as of April 1st, so right now we have people over there that prior had funded positions do not have them anymore. So, we're faced with a crisis of either building a month•by•month deficit over there, or reducing payroll over there by laying people off.

LEG. CARACCILOLO:

If people are laid off, do they receive benefits?

LEG. LINDSAY:

Do they receive benefits, unemployment benefits?

LEG. CARACCILOLO:

Yes.

LEG. LINDSAY:

I would assume so.

LEG. CARACCILOLO:

Okay. Well, I'd just point out that, you know, that's not a ••

LEG. LINDSAY:

The point of this resolution is simply this, is the 477 money, we traditionally have outsourced jobs, we hired not•for•profits to do a lot of this work, and the intent of this resolution is to try and use County employees that might be excessed to do some of the work that we would ••

LEG. CARACCILOLO:

But I'm in favor of that. That's not where my objection comes from on this. First of all, there's nothing in the resolution that assures that these individuals will be in the positions for which the

resolution states. Once they're transferred and assigned to department heads, they could be used for a variety of reasons and purposes, none of which have to do with the intention of this resolution. So, I'd like to see a reverter clause in the resolution that stipulates if they're not used for the very sole purpose that this Legislature is going to approve this resolution, then they're not •• they're not on the County payroll, because I've seen those games played all the time in County government. You know, you vote on something under a pretext it does one thing and you find out six months from now, rather, that, you know, it doesn't •• didn't accomplish that goal at all.

Secondly, what is the proposed permanent solution to hiring and retaining these individuals once they are •• if they are hired by the County •• approved by this resolution? What's the permanent solution, and what's wrong with pay•as•you•go?

LEG. LINDSAY:

Well, the permanent solution is just what we're talking about here, is to use of the 477 accounts to improve water quality. The bulk of the positions are being moved from Labor to Public Works and from Labor to Parks. The Public Work contingent is going to set up a new unit that will maintain the storm drains. Myself and Legislator Bishop sponsored a bill last year to put filtration systems in all our storm drains to improve rain water runoff into our bays, which is a major pollutant.

The problem why we haven't gone forward with the program is we don't have a maintenance crew to change these filters that has to be changed probably every six months to maybe less than a year and there's twenty•two of these storm drains.

LEG. CARACCILO:

Bill, I'm with you.

LEG. LINDSAY:

So, it's a ••

P.O. CARACAPPA:

The bill has merit, although my question is ••

LEG. LINDSAY:

It's a big program.

LEG. CARACCILOLO:

My question •• here's the essence of one of my questions.

LEG. LINDSAY:

Well, let me just finish. The other part of it is in Parks where the rest of the folks are going. And we keep expanding our holdings in terms of open space, and along with that expansion does take some maintenance on our part.

LEG. CARACCILOLO:

And, again, I agree wholeheartedly. What assurance do you or I have by approving this resolution that these individuals will be assigned those tasks and those tasks only, and the goals and objectives that are ostensibly in this resolution will be carried out today, tomorrow and indefinitely? What assurance do you have? Cannot department heads reassign personnel?

LEG. LINDSAY:

I think the assurances that any •• I think the assurances any of us have is the budget process every year. If we feel through our normal committee process that we've been duped by this resolution, we can change the budget line and ••

LEG. CARACCILOLO:

Would you agree to change it?

LEG. LINDSAY:

If we find that we were duped by this resolution, yes, I would be willing to change the budget line ••

LEG. CARACCCIOLO:

I'm encouraged to hear that.

LEG. LINDSAY:

•• when it comes to budget time.

LEG. CARACCILO:

I'm encouraged to hear that. Now, I'd like to go to Budget Review and have them just summarize their memo on this topic, which was prepared March 21st. And I'd like to get the same reassurance from the Executive Branch that the Legislative Intent carried •• as enumerated in the resolution ••

P.O. CARACAPPA:

You want to get that now?

LEG. CARACCCIOLO:

Yeah.

P.O. CARACAPPA:

Mr. Zwirn.

LEG. CARACCILO:

Before we get to BRO.

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

If you have any comments also?

MR. ZWIRN:

The County Executive would make that assurance. And one of the reasons why the 477 Account is a good option here is because it is reoccurring. Pay•as•you•go money, as you know, is a one•shot, you don't know the following year. And one of the advantages you have here is once these people are working in the Parks and Public Works doing 477 work, that money will be back every year, so that won't be an additional strain on the General Fund. But you have the County Executive's assurance that that's where they'll be working.

LEG. CARACCILO:

Oh, okay. That's part one of assurances. Part two is will he provide that assurance, that the

individuals, if this resolution is successful, will retain these positions, not only for this calendar year, but at least through next year?

MR. ZWIRN:

Well, that's the beauty of the 477 Account.

LEG. CARACCILOLO:

I understand that, but I ••

MR. ZWIRN:

Yeah, but that money will be there, so they •• yes, the answer is yes.

LEG. CARACCILOLO:

Okay. Now to BRO, and if Lance or Jim could summarize.

MR. REINHEIMER:

This resolution has been amended as of 3/28/05, and it now transfers 19 people, filled positions, to Public Works and Parks, and abolishes three positions that are currently vacant in funding 477. This resolution saves the Labor Department approximately \$100,000 per month. Because this has been delayed, the •• our analysis, the savings in 2005 is a little bit overstated, but, generally, it's \$100,000 a month for the remaining months of this year, depending on when the individuals are transferred.

LEG. CARACCILOLO:

Okay. When you say it saves the Labor Department, Labor Department is part of County government, so let's talk about •• does it save taxpayers?

MR. REINHEIMER:

This •• these people or the ••

LEG. CARACCILOLO:

Are we just shifting personnel from one agency to another, and the cost is coming out of a different account, but it's still a cost to the County?

MR. REINHEIMER:

Well, the Labor Department currently is experiencing a reduction in federal and state funding •

LEG. CARACCILO:

Right.

MR. REINHEIMER:

•• that supports most of the positions in the Labor Department. If these positions remained in the Labor Department ••

LEG. CARACCILO:

It would be a net cost.

MR. REINHEIMER:

It would be a deficit eventually that would either have to result in layoffs of individuals or support by the General Fund. This resolution transfers people to Fund 477, which has a funding stream that is not supported •• well, supported by sales tax.

LEG. CARACCCIOLO:

Okay. Counsel, does Counsel concur, that this would be an appropriate use of 477 funds?

MS. KNAPP:

The section of the Charter that governs this does allow operating expenses to be •• to be expended by •• from 477.

LEG. CARACCILO:

Okay. Then I, who had some reluctance as this discussion began, would support this resolution. Thank you.

P.O. CARACAPPA:

Legislator O'Leary, then Bishop.

LEG. O'LEARY:

For the most part, Mr. Chair, everything that I had concern with has been asked and answered, so I will pass.

P.O. CARACAPPA:

Legislator Bishop. Legislator Bishop, then Alden.

LEG. BISHOP:

Well, I'll be brief. I just want to get Mr. Zwirn back up here, or somebody from the administration. And perhaps my colleagues have seen this. Is there a plan as to exactly what functions these folks will be performing that are 477 functions?

MR. ZWIRN:

Yes.

LEG. BISHOP:

Where is that?

MR. ZWIRN:

Well, Commissioner Foley, I think, spoke at committee on this, and I think •• I don't know if Charlie can speak to it now, but we have worked out where they will go and how they will be utilized.

LEG. BISHOP:

All right. I don't want to make this lengthy, but can somebody just outline what that is in brief?

LEG. BINDER:

How much is it going to cost aggregate per year?

LEG. BISHOP:

No, no, that's not •• I just want to make sure they're doing jobs that are 477 jobs.

LEG. ALDEN:

It's a math joke.

LEG. BISHOP:

Oh, I see.

LEG. BINDER:

Sorry.

MR. BARTHA:

The employees that will be transferred to Public Works will be assigned to projects involving the media inserts that we'll be doing in the catch basins. They'll require a fair degree of monitoring and maintenance and they will be ••

LEG. BISHOP:

Right.

MR. BARTHA:

•• associated with that.

LEG. BISHOP:

Okay.

MR. BARTHA:

And there's one clerical person, which there's a lot of clerical work involved with all this, record keeping, and that's what that person will be doing.

LEG. BISHOP:

All right. And how many folks is that?

MR. BARTHA:

I believe we're getting six, five or six.

LEG. BISHOP:

You're getting six, and then the remainder are going to Parks, so Foley's getting 12?

MR. BARTHA:

I don't have the resolution in front of me.

LEG. BISHOP:

Before we •• now, these are people that work desk jobs across the street and now they're going to be ••

LEG. LINDSAY:

No.

LEG. BISHOP:

Explain that to me, Bill, if you can.

LEG. LINDSAY:

No. It's actually a mixture, mostly blue collar crew leaders, assistant crew leaders, labor crew leaders, senior •• there's a clerk typist in there that was eluded to by the Commissioner of Public Works. Mostly blue collar positions.

LEG. BISHOP:

Because the letters that I've received from people who, at least in terms of the letter, seemed to suggest that they were being affected were from clerical people, they were not from ••

LEG. LINDSAY:

Well, probably •• I know we have representatives of the Labor Department here. They might have the ••

LEG. BISHOP:

Yeah.

LEG. LINDSAY:

If you want to hear from them.

LEG. BISHOP:

Everybody's comfortable with it. I'll go with the flow on this one.

LEG. LINDSAY:

If you look at the resolution, though, most of them are crew leaders.

LEG. BISHOP:

I think that Legislator Caracciolo has outlined my concern and asked the questions that I wanted to ask and received positive answers, so I'm going to rely on that.

LEG. BINDER:

Rely on Mike Caracciolo, Legislator Bishop? That's new.

P.O. CARACAPPA:

Legislator Fisher.

LEG. VILORIA • FISHER:

Charlie.

P.O. CARACAPPA:

Where are you going?

LEG. VILORIA • FISHER:

Well, the question could be to you, to Ben Zwirn, to the sponsor. We had quite a number of •• we had quite a number of projects that came before us that were going to be using 477 monies and they were tabled until there was approval from the Water Quality Committee on those particular projects. The people who are going to be going into your department, will they be working on those projects that have already received those approvals?

MR. BARTHA:

Yes. The project involving •• I described involving media inserts and catch basins, that has been approved by the Legislature.

LEG. VILORIA • FISHER:

Okay. And they have •• of course, before our approval, they had been approved by the Water Quality Committee?

MR. BARTHA:

I don't believe that particular one was.

LEG. VILORIA • FISHER:

Okay. But the recent ones that we've passed are •• like the duck farm, would there be people from the Labor Department working on those or ••

MR. BARTHA:

Not from •• not the public •• ones involved with Public Works.

LEG. VILORIA • FISHER:

Okay.

MR. BARTHA:

They wouldn't be involved in that project.

LEG. VILORIA • FISHER:

All right.

MR. BARTHA:

But there are •• there were several projects on the last agenda.

LEG. VILORIA • FISHER:

Yeah, the last round or the one before.

MR. BARTHA:

Yes, that included media inserts, and they would be involved with that and other aspects of the program, certainly.

LEG. VILORIA • FISHER:

Okay, thank you.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I have one question of the sponsor and one question of Ben Zwirn. Of the sponsor, was this

actually approved by the •• by that Commission?

LEG. LINDSAY:

I believe that Commission has approved some of the projects that these people are going to be working on in the past. For example, I'm not sure whether the storm water runoff insert program that was passed last year went through that committee. Maybe Legislator Bishop remembers, I'm not sure. But the unit in Public Works is vitally important for us to put out the contract to put that filtration system in, because for us to put the filtration systems in without having the crew to continually maintain the system, it would be really foolish.

LEG. ALDEN:

But specifically, this resolution wasn't taken up by that ••

LEG. LINDSAY:

No, because it isn't in a specific project.

LEG. ALDEN:

Okay.

LEG. LINDSAY:

Most of it is maintenance of programs that we've already approved in the past.

LEG. ALDEN:

I just thought any expenditure had to be run past that committee.

LEG. LINDSAY:

Okay. Maybe they have a better answer.

MR. BARTHA:

I'm the Chairman of that committee and, yes, this year's meeting that this particular resolution was considered, all of these positions, and it was approved by the committee.

LEG. ALDEN:

Oh, good. Okay, that's the answer. Then I have a question of Ben, and it goes to like the heart

of the matter here. Why not the payroll account? Because as we all know, there's over 700 vacant funded positions in payroll and basically those are the •• those are the mechanisms that we use to hire people in Suffolk County. So why wasn't that considered? Because I know you guys have been adamant about using the 477 rather than the payroll account, so just give us your thoughts on why the payroll account was not even considered as a funding source for this.

MR. ZWIRN:

Well, I think one of the reasons was to try to take some strain off the General Fund. We anticipate a shortfall this year and this money •• this funding of 477 is recurring, it is a good project, I mean, these people will be well utilized. And it's a much easier way to do it this particular year because we don't anticipate there will be any extra funds; in fact, there'll be a shortfall before the end of the year in the General Fund.

LEG. ALDEN:

Okay. But normally funding sources for payroll, that's a recurring type of an expense that I've seen, you know, forever in Suffolk County and I anticipate well into the future that we're going to be spending money on payroll accounts, correct?

MR. ZWIRN:

That's correct, but you may not have enough revenue coming in this year to cover the payroll accounts that you have as of right now. So you would be funding these into an area where you're not sure you're even going to have the revenue at the end of the year to cover it. With the 477 account, you know that is real money, it is there and it's the sales tax revenue that comes in every year and there's enough there to cover these positions. So it's a safe way to go, it doesn't put the pressure on the taxpayers, the homeowners, because it's coming out of a sales tax revenue.

LEG. ALDEN:

Well, now what you're saying, though, is there's a fundamental problem with the budget because when we did the budget, you know, we have to have a balanced budget. So for the 2005 budget, you're saying that there's •• it's out of balance, that pay ••

MR. ZWIRN:

No, but you have revenues coming in and the revenues that you anticipate may not be the

revenues that are coming in.

LEG. ALDEN:

So we don't have enough revenue to cover the expenditures in payroll?

MR. ZWIRN:

You're running a deficit this year, in this year's budget. Whether the number is the number that Budget Review has come up with or the Budget Office or the County Executive, you're still running anywhere from 23 to \$45 million in shortfall this year. This 477 Account is funded, the money is there, it is a creative and a good way to go. Otherwise, otherwise these people will probably, unfortunately, lose their jobs and it's not necessary.

LEG. ALDEN:

Yeah. We've already gone through that. But then the problem is we're overspending?

MR. ZWIRN:

No. No, you're not over spending. When you do ••

LEG. ALDEN:

If we're running a deficit •• you know, we did a budget.

MR. ZWIRN:

But when you do a budget, when you do a budget, you don't •• those numbers are not set in stone, you don't know what your sales tax numbers are going to be, you just don't know.

LEG. ALDEN:

So the sales tax is running less than what we anticipated.

MR. ZWIRN:

No, I'm not saying that, but your expenses could be running more. I haven't got ••

LEG. ALDEN:

Well, that's what I'm saying, I just asked are we overspending.

MR. ZWIRN:

Well, Budget Review can get •• if you want to go through what the budget numbers are, you can ask Budget Review to go through it right now and tell you what they're anticipating a shortfall will be. We're finding a way that this can be done. You know, you have suggested there be a hiring freeze, that there be a salary freeze, and yet you're saying go back to the payroll accounts to fund this when that would be against what you've already stated publicly. I don't want to get into a longer debate ••

LEG. ALDEN:

Well, let's ••

P.O. CARACAPPA:

Let's not get into a debate.

LEG. ALDEN:

No, if you want to •• if you're going to go there, Ben, then we have to go there.

MR. ZWIRN:

I'm trying not to go there.

LEG. ALDEN:

How much is the •• how much would be seven hundred and some odd jobs, how much are we talking about, 18, \$19 million?

MR. ZWIRN:

How much are the turnover savings of those jobs? Every one of those jobs is not fully funded; how many of those jobs are fully funded? I don't know, I don't know what the turnover savings are.

LEG. ALDEN:

Well, then don't make ••

MR. ZWIRN:

Because there's an anticipation that not all those positions ••

LEG. ALDEN:

Ben, don't make the comment that you made before then; if you don't know the answer then don't go and extrapolate it, all right?

MR. ZWIRN:

I'm asking you to tell me. You obviously know the answer, that's why you ••

P.O. CARACAPPA:

All right, I'm stopping this. This is getting out of control, I want to stop it now before it gets crazy. Legislators Alden, do you have a specific •• any more specific questions?

LEG. ALDEN:

Well, I did but he didn't answer it, so we'll just move on.

P.O. CARACAPPA:

Legislators Caracciolo.

LEG. CARACCILOLO:

Thank you. Ben, it was refreshing to hear you restate what we heard in committee two weeks ago. Finally we have budget and •• Budget Office, Budget Review Office agreeing on at least the range of a potential deficit for 2006. And I don't want to belabor this discussion about why, it has more to do with unfunded mandates and issues that are beyond our control.

One of the other things that came up during that discussion was that the County Executive would be very shortly releasing upwards of 300 SCIN forms; is that on track? What is the timetable?

MR. ZWIRN:

I think, from what I heard today, some of those have been released, from what I understand. Janet DeMarzo mentioned that she had gotten SCIN forms released so that she would be hiring people; I don't know the entire number but I will find out for you.

LEG. CARACCILOLO:

Could you find out and e-mail me the answer to that?

MR. ZWIRN:

Absolutely.

LEG. CARACCILO:

But more importantly, what is the timetable? Because that, too, will have a direct impact ••

MR. ZWIRN:

Correct.

LEG. CARACCILO:

•• on potential, you know, payroll accounts.

MR. ZWIRN:

Absolutely true, that's correct.

LEG. CARACCILO:

Can't have it both ways is what I'm getting at.

MR. ZWIRN:

I understand.

P.O. CARACAPPA:

Okay, let's wrap it up and vote. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

That's approved. Legislator Mystal makes a motion to approve **1106**.

LEG. BISHOP:

What's that?

P.O. CARACAPPA:

The title is ***amending the 2005 Operating Budget and transferring funds to the Amityville Chamber of Commerce for improvements to the Amityville Firefighter/Police Memorial.***

LEG. BISHOP:

Cosponsor.

P.O. CARACAPPA:

Second by Legislator Bishop. Now, Jim, this is operating money that we're transferring to the Capital Budget in an attempt to ••

MR. SPERO:

Yeah.

P.O. CARACAPPA:

•• what, preserve it?

MR. SPERO:

This is taking 50,000 from the pay•as•you•go account.

P.O. CARACAPPA:

Oh, it is pay•as•you•go, okay.

LEG. CARACCILOLO:

Oh, we can use pay•as•you•go now.

P.O. CARACAPPA:

Well, we'll see. Let's see if this one ••

LEG. CARACCILOLO:

Double standard.

P.O. CARACAPPA:

Let's see if this one ••

LEG. CARACCILOLO:

Surprise.

P.O. CARACAPPA:

Survives the veto.

LEG. MYSTAL:

That's if it survives a veto.

LEG. CARACCILOLO:

And the County Executive is going to support this?

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. CARACCILOLO:

Do you have a commitment he'll support it?

P.O. CARACAPPA:

Abstentions?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Okay, Elie.

LEG. CARACCILOLO:

We'll see.

P.O. CARACAPPA:

CN's.

D.P.O. CARPENTER:

Henry.

P.O. CARACAPPA:

CN's.

D.P.O. CARPENTER:

Henry, cosponsor that.

P.O. CARACAPPA:

2238 and 2238A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase and installation of playground equipment in Suffolk County Parks, customized for disabled young children (CP 4815). This is, hopefully, the final chapter on the playground. I thank the County Executive for finding the other offset that works for everybody. So, motion by myself, second by Legislator Lindsay. Roll call. Roll call on the bond.

MR. BARTON:

Got it.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCCIOLO:

Yes.

MR. BARTON:

Legislator Carpenter?

D.P.O. CARPENTER:

Yeah. I was distracted because I was looking for the list of the playgrounds.

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Same motion, same second, same vote on the bond •• the companion resolution.

Okay. ***1366, 1366A. This is appropriating funds in connection with the dredging of County waters.***

D.P.O. CARPENTER:

Motion.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

It's \$550,000. Motion by Legislator Carpenter, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***Resolution 1420 • Approving the lease of premises located at 30 Greene Avenue, Sayville, by Suffolk County Community College.*** Motion by Legislator Carpenter, second by Legislator Lindsay.

LEG. CARACCILOLO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCILOLO:

What is the condition of the building, will it require repairs or improvements, and at whose cost?

LEG. LINDSAY:

I think I can answer that.

P.O. CARACAPPA:

Go ahead, Legislator Lindsay.

LEG. LINDSAY:

Okay.

P.O. CARACAPPA:

It's in Legislator Lindsay's district.

LEG. LINDSAY:

It's in my district, so I know about it. The building is an old building, but it was just renovated by the school district.

LEG. CARACCILO:

Has it been inspected? Do we have a building inspection on it?

LEG. VILORIA • FISHER:

Landlord filed an affidavit.

LEG. LINDSAY:

I believe so. I believe so.

LEG. CARACCILO:

Yeah, we did that. It happened here a long time ago with a storage facility that wound up in court.

D.P.O. CARPENTER:

I remember that.

LEG. SCHNEIDERMAN:

Let's not •• let's not guess. We have Mr. Gatta here.

LEG. FOLEY:

The district verified it already, right, Joseph? I think they sent a letter to verify ••

P.O. CARACAPPA:

Excuse me?

LEG. FOLEY:

That they're in compliance with all codes.

P.O. CARACAPPA:

They signed the affidavit, yes, it's all done.

LEG. CARACCILOLO:

Go ahead, George.

MR. GATTA:

May I? Yes, the building just completed a 7 million dollar renovation. There is a certificate of occupancy. It is in a pristine condition for a 70-year old building, but I would invite everyone down to see how great a building it is.

There will be some modifications, because, as I mentioned this morning, we will be installing an anatomy and physiology lab, and a nursing simulation lab, and a computer lab, so that will require some minor plumbing and electrical improvements. Besides the funding that we'll be receiving from Good Sam Hospital for operational assistance, there is \$250,000 •• \$250,000 in State money, 150,000 from the Assembly sponsored by Assemblywoman Fields, and 100,000 from the State Senate that's been sponsored by Senator Trunzo, which will help us with those renovations and that additional equipment. Beyond that, we will use the \$100,000 that this body approved on January 25th through I.R. 2220 to help us with that, so that money is already in our account and is slated for that work.

LEG. CARACCILOLO:

Okay. So, I.R. 2220, Jim, or maybe the sponsor could speak to that, what account did that come out of, what monies? What fund was that hundred thousand dollars?

MR. GATTA:

That came from the Capital pay-as-you-go, the General Reserve Fund.

LEG. CARACCILOLO:

Pay•as•you•go.

LEG. MYSTAL:

Another one.

LEG. CARACCILOLO:

Okay, yeah. I'm going to keep a track when you folks start talking about using pay•as•you•go and cite all the Democratic resolutions that this Legislature's approving using pay•as•you•go that the Executive doesn't have an objection to, but as soon as a •• I'm not talking to you, George.

MR. GATTA:

Oh, I understand.

LEG. CARACCILOLO:

Should be talking to my colleagues. Again, the double standard that is just so flagrant. And I hope Republicans are paying attention to what I'm saying, because you're voting for these resolutions.

P.O. CARACAPPA:

No, don't say it, Billy, don't say it.

LEG. LINDSAY:

I'll tell him privately.

P.O. CARACAPPA:

That would be appreciated. Thank you.

LEG. CARACCILOLO:

Thank you, George.

D.P.O. CARPENTER:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

George, I just want to •• I really just want to commend you and everyone at the College and everyone in the community that really advocated for this and worked on this. This project really, I think, is going to be a model, and it's just another thing that the College has done in being so proactive in establishing partnerships and addressing needs in our community, so thank you.

MR. GATTA:

Thank you very much.

P.O. CARACAPPA:

Thank you. Okay. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Okay. ***1427 (Amending the 2005 Operating Budget and transferring funds for project MOST)***. Amending •• this is just the technical corrections to Legislator Bishop's Living Wage Bill. Motion by himself and second by myself. All in favor? Opposed? Abstentions?

LEG. MYSTAL:

Cosponsor on that.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1431 • Amending the 2005 Capital Program and Budget and appropriating funds for the renovations of Southaven County Park Stables (CP 7032).

LEG. BISHOP:

What's happening with the horse people?

LEG. O'LEARY:

I'll make a motion to commit, please.

LEG. CARACCILO:

Second.

P.O. CARACAPPA:

Motion to commit to Parks?

LEG. O'LEARY:

To Parks.

P.O. CARACAPPA:

Second by Legislator Caracciolo.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion.

LEG. FOLEY:

This is a CN, Mr. Chairman, or is it ••

P.O. CARACAPPA:

Yes, it is.

LEG. FOLEY:

Is there a reason, Legislator O'Leary, you don't want to support the bill tonight when ••

LEG. O'LEARY:

I would •• I would like the opportunity to review it in committee, as well as look at the offset,

the funding source.

LEG. FOLEY:

If I just may follow up through the Chair.

P.O. CARACAPPA:

It's your floor.

LEG. FOLEY:

Thank you. The next committee meeting isn't until when, is it a month from now, is it three weeks?

LEG. O'LEARY:

I think it's the early •• the early part of May.

LEG. FOLEY:

And are there some time issues here that •• to get this approved now in order to have the work done?

P.O. CARACAPPA:

Mr. Zwirn.

MR. ZWIRN:

Yes. Thank you, Mr. Presiding Officer. I know there was some concern about the offset with this. I heard that. And Charlie Bartha is here from Public Works. There was not •• this was funded twice. This would not have an impact on the demolition of the Cornell Cooperative Building in Riverhead.

LEG. CARACCILO:

We have a commitment that it will be done this Spring?

MR. ZWIRN:

Absolutely. This was a double •• it was in the omnibus and then it was done again a second time. That's why •• because I checked. I mean, I was sort of taken aback myself, because I

know how you would personally have felt about this after you went through the debate earlier this year, but that money is safe, that project is going forward. This was •• this was additional money that was appropriated.

I checked with the Commissioner of Public Works. You heard him speak about the other project, which is one that we debated, we debated last year, but that's what •• so the offset would be okay. I'll make that representation.

The reason we're moving forward is that the people who use this facility, we did an RFP to try to get a vendor, the Parks Department did, and we found through the process that we had asked for a potential vendor or licensee to come in to put capital money into improving the facility. The responses that came in, nobody had the financial wherewithal to do that. It is a very popular facility. We had I think close to a hundred people show up the other day. It's in Legislator O'Leary's district. A representative of his office was there. Legislator Lindsay was involved at the committee when these people first came in. It is a •• certainly a worthwhile project. It allows people who might otherwise not have an opportunity to use a recreational facility like this, even though the trails will be remaining open.

The County is committing through this to put up a half a million dollars in capital improvements in hopes that now a vendor will be able to come in and be able to operate the facility. They're not easy to operate because of the insurance cost. It is just an expensive proposition today to get somebody to trail rides, and lessons, and board horses.

So, we decided after the meeting that this would be one way that we could do it. The faster we get started, the better it is, because the facility is now •• is now closed. Not the trails, the trails will remain open and maintained by the Park Department, but the stables there, which can house 70 horses, there's an indoor riding ring there, that could be fixed up and actually probably make money for the County. It could be a real show place, apparently. And these people came in from the equestrian community, really gave us sort of an education that day.

P.O. CARACAPPA:

There's a list. Legislator Alden.

LEG. ALDEN:

Ben, we heard testimony today, but we also heard it at the Parks Department. One of the

people that responded to the RFP with their proposal actually proposed to put up, I believe it was almost \$100,000 more than was required under the RFP. Why wouldn't we give real serious consideration to going that route, rather than us spend and bond \$500,000 here?

MR. ZWIRN:

That's a fair question and that was what we would have thought as well, and that's how it originally went out. When the independent review panel looked at the answers to the RFP's, they realized that the people who came in didn't have the financial wherewithal. And some of the people were at the meeting we had at the Dennison Building and I don't think that the County Attorney's Office representative felt it was appropriate to go into the details of the •• of why they didn't get the •• why they didn't qualify.

LEG. ALDEN:

Well, one quick question then. Who's on the RFP panel, who was the independent ••

MR. ZWIRN:

I don't •• I don't know.

LEG. ALDEN:

•• members of the panel?

MR. ZWIRN:

That I don't know.

LEG. ALDEN:

All right.

P.O. CARACAPPA:

Legislator Viloría•Fisher, then Schneiderman.

LEG. VILORIA•FISHER:

With all due respect to Legislator O'Leary, it is your district, right, Legislator ••

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

But there has been quite a bit of testimony from people who are users of this facility, and there are people who live in my district who also use it. I would hope that we could move forward with this, because there are many people who feel that this facility will go by the way of the Trap and Skeet facility, and that they won't be able to access this affordable means of enjoying their sport. And I really feel that it would certainly help to have those members of the community who are looking for us to support them in their endeavors to move forward with this. It would give them a positive sense that we want to move this as quickly as possible, so that we can have that RFP go out and get a vendor who might be able to provide them with their sport. So, I'm hoping that we would be able to move this today, because it is a County •wide concern.

LEG. O'LEARY:

If I may comment through the Chair.

P.O. CARACAPPA:

You may.

LEG. O'LEARY:

I don't want you to get the impression, Legislator Fisher, that I'm opposed to the renovation or the improvement of Southaven Park, and in particular the stables. My initial concern was the •• was the funding source and the offset. And if Legislator Caracciolo is satisfactorily appeased with respect to the explanation, I have no problem with it.

LEG. CARACCILOLO:

Okay. I'd just like you to restate, Mr. Zwirn, that this offset ••

MR. ZWIRN:

This offset will ••

LEG. CARACCILOLO:

•• is a duplicate, and that the offset monies that are appropriated for the demolition of Cornell

are intact, the administration has every intention of following through demolishing the building this spring.

MR. ZWIRN:

That's correct.

LEG. CARACCILOLO:

Okay.

LEG. O'LEARY:

All right. So, you have no more concerns?

LEG. CARACCILOLO:

No.

LEG. O'LEARY:

All right. With that now ••

LEG. SCHNEIDERMAN:

I'm on the •• I'm on the list. I'd like to speak very briefly.

P.O. CARACAPPA:

He's going to withdraw his motion.

LEG. O'LEARY:

I'm going to withdraw my motion to commit and make a motion to approve.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

While Mr. Zwirn is here, if I could catch his attention here.

P.O. CARACAPPA:

On this bill?

LEG. SCHNEIDERMAN:

It's on the bill, yeah.

P.O. CARACAPPA:

Mr. Zwirn.

LEG. SCHNEIDERMAN:

Ben.

MR. ZWIRN:

Yes.

LEG. SCHNEIDERMAN:

I'm happy to see this looks like it's going to move forward. And the Parks Commissioner is not here today, so he can't answer specific questions about this. And I'm not imagining that this change is going to allow of the three vendors who submitted to that RFP, one of them to qualify. But what I would like you to do is to look, because the County has to be fair in the way that it approaches this.

This clearly is not an emergency here. It's going to take a certain amount of time to build this building, to go out to bid, etcetera. But in fairness, other vendors, other horse farms in particular built their own facilities, I could think of one in my district, at their own expense. And they invested a lot of money on County leased land. And here we are saying we're going to build the facility instead of the vendor doing it, which is okay, but I really think that when you go out to bid on this for a vendor, you need to have that reflected in whatever the lease fee is, that they're getting an improved property.

P.O. CARACAPPA:

Okay. There's a motion and a second to approve, I assume, Mr. Clerk.

MR. BARTON:

Yes.

P.O. CARACAPPA:

All in favor •• oh, roll call. There's a bond associated.

MR. BARTON:

Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

MR. BARTON:

Bishop.

LEG. MYSTAL:

Say yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. Before I do the lay on •• the late•starters, I have a Sense Resolution I'd like to lay on the table and approve, it's in your packet. It's Memorializing Resolution in support of a Assembly Bill and Senate Bills, I won't read the numbers, increasing the penalties for Criminal Impersonations in the First and Second Degree. This is what we passed earlier, my Sense Resolution, but this is •• this pertains to the bills in Albany, so it's just staying consistent. Motion by myself, second by Legislator Carpenter.

LEG. BISHOP:

Did we do the sales tax?

P.O. CARACAPPA:

All in favor? Opposed? Abstentions? Next meeting.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Motion by myself, second by Legislator Carpenter, to waive the rules and lay on the table the following late•starters: 1428 to go to EPA, 1429 to go to Parks, 1430 to go to EPA, 1432 to go to Parks, 1433 to go to Parks, 1434 to go to Parks, 1435 to go to Ways and Means, Sense 28 to go to Economic Development and ••

D.P.O. CARPENTER:

That one you want to approve.

P.O. CARACAPPA:

Oh, we did •• we just did that then.

D.P.O. CARPENTER:

This one, did you do this one? This one.

P.O. CARACAPPA:

Oh, there was another one, right. I have Sense 28, I'd like to lay this on the table and approve as well. It's Memorializing Resolution in support of Assembly Bill and Senate Bill to require prevailing wage to be paid on certain construction projects. Motion by myself, second by Legislator Bishop and Lindsay. All in favor? Opposed?

LEG. BISHOP:

Just before you gavel the meeting to a close ••

P.O. CARACAPPA:

Can I call ••

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Okay. And lay on the table also Sense 29, which will go to EPA. That motion and a second to waive the rules. All in favor? Opposed? Abstentions? Those bills are laid on the table.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Yeah. It's my understanding, Mr. Chairman, that the majority is not going to entertain the resolutions regarding the sales tax tonight, and I just wanted to ask the County Executive's Office if they felt there was any urgency that it be dealt with in the next •• you know, before the next meeting, which I guess is 30 days away.

P.O. CARACAPPA:

I just spoke to the State sponsor.

LEG. BISHOP:

We're all right?

P.O. CARACAPPA:

And we have plenty of time.

LEG. BISHOP:

We do? We all agree? Great.

P.O. CARACAPPA:

Just before I walked in I called.

LEG. BISHOP:

Okay.

P.O. CARACAPPA:

Thank you. Good job today. Thank you, everybody. The meeting ••

MR. ZWIRN:

Mr. Chairman, can I just say one thing?

P.O. CARACAPPA:

Yes.

MR. ZWIRN:

Legislator Caracciolo, on the execution of the lease for the Community College, I got word that this resolution was just an execution of the lease and that the money was appropriated by the Legislature last year.

P.O. CARACAPPA:

Right. Thank you.

MR. ZWIRN:

Thank you very much.

P.O. CARACAPPA:

Okay. Thank you all very much. We're adjourned.

[THE MEETING WAS ADJOURNED AT 6:12 P.M.]

_ _ Indicates Spelled Phonetically